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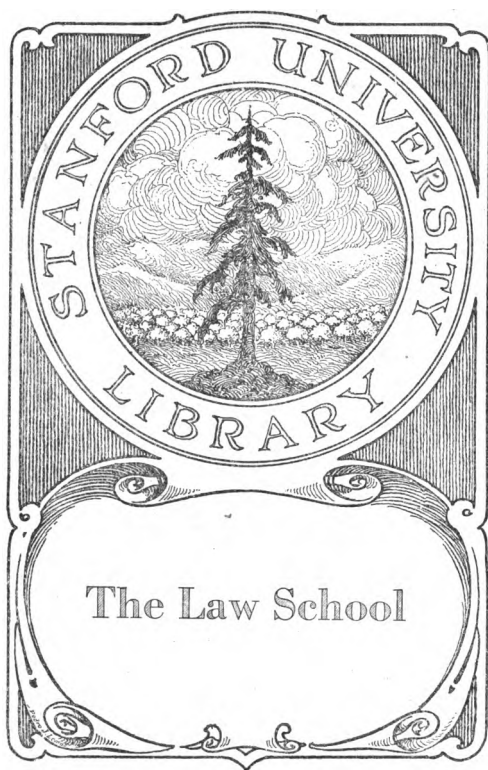
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LAWS

OF THE

STATE OF NEW MEXICO



PASSED AT THE

FIRST REGULAR SESSION

of the Legislature of the State of New Mexico, which
Convened at the City of Santa Fe, at the
Capitol, March 11, 1912, and
Adjourned, June 8, 1912.

PREPARED FOR PUBLICATION
BY
ANTONIO LUCERO,
SECRETARY OF STATE

PUBLISHED BY AUTHORITY

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1912

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CERTIFICATE OF AUTHENTICATION.

STATE OF NEW MEXICO
OFFICE OF THE SECRETARY OF STATE } ss.

I, Antonio Lucero, Secretary of State of the State of New Mexico, do hereby certify:

That the Acts, Joint Resolutions and Memorials published in this Volume, beginning on page one and ending on page three hundred and eleven, are full, true and correct copies of the originals passed at the First Regular Session of the State Legislature of New Mexico (1912), as the same appear on file in this office;

That each Act which the Legislature directed should take effect upon approval received the vote of two-thirds of all the members elected to each House, as shown in the endorsements on the originals of said bills;

That the First Regular Session of the Legislature of the State of New Mexico adjourned sine die on the eighth day of June, A. D. 1912.

I further certify that in preparing the following Laws, Joint Resolutions and Memorials for publication the text of the original enrolled Acts has been scrupulously followed. Any seeming errors, therefore, must be attributed to the original, and not to the preparation for publication. Obvious errors, affecting the sense or design of the original, have been corrected, so far as practicable by the insertion of the proper word in brackets, thus: []

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of New Mexico.

Done at my office, at Santa Fe, the State Capital, this first day of September, A. D. 1912.



Antonio Lucero

Secretary of State.

OFFICIAL ROSTER

STATE OFFICERS.

Governor	William C. McDonald	of Carrizozo, N. M.
Lieutenant Governor	E. C. De Baca	of Las Vegas, N. M.
Secretary of State	Antonio Lucero	of Las Vegas, N. M.
Attorney General	Frank W. Clancy	of Albuquerque, N. M.
Auditor	William G. Sargent	of El Rito, N. M.
Treasurer	O. N. Marron	of Albuquerque, N. M.
Commissioner of Public Lands	Robert P. Ervien	of Clayton, N. M.
Corporation Commis- sion	Hugh H. Williams	of Deming, N. M.
	M. S. Groves	of Carlsbad, N. M.
	O. L. Owen	of Clovis, N. M.
Superintendent of Public Instruction	Alvan N. White	of Silver City, N. M.

JUSTICES OF THE SUPREME COURT.

Clarence J. Roberts	Richard H. Hanna	Frank W. Parker
Chief Justice	Justice	Justice

DISTRICT JUDGES.

First Judicial District	Edmund C. Abbott	Santa Fe, N. M.
Second Judicial District	Herbert F. Reynolds	Albuquerque, N. M.
Third Judicial District	E. L. Medler	Las Cruces, N. M.
Fourth Judicial District	David J. Leahy	Las Vegas, N. M.
Fifth Judicial District	John T. McClure	Roswell, N. M.
Sixth Judicial District	Collin Neblett	Silver City, N. M.
Seventh Judicial District	Merritt C. Mechem	Socorro, N. M.
Eighth Judicial District	Thomas D. Leib	Raton, N. M.

DISTRICT ATTORNEYS.

First Judicial District	Alexander Read	Santa Fe, N. M.
Second Judicial District	Manuel U. Vigil	Albuquerque, N. M.
Third Judicial District	S. B. Hamilton	Carrizozo, N. M.
Fourth Judicial District	C. W. G. Ward	Las Vegas, N. M.
Fifth Judicial District	Kenneth K. Scott	Roswell, N. M.
Sixth Judicial District	Jas. R. Waddi	Deming, N. M.
Seventh Judicial District	John E. Griffith	Socorro, N. M.
Eighth Judicial District	Geo. E. Remley	Cimarron, N. M.

MEMBERS OF THE FIRST STATE LEGISLATURE OF NEW MEXICO.

Senate.

District	Name	Address
1	John S. Clark	East Las Vegas
2	Juan Navarro	Mora
3	Louis C. Ilfeld	Las Vegas
4	Thomas D. Burns	Tierra Amarilla
5	Joseph F. Sulzer	Albuquerque
6	Epimenio A. Miera	Cuba
7	Isaac Barth	Albuquerque
8	Edwin C. Crampton	Raton
9	Eugenio B. Gallegos	Gallegos
10	Benjamin F. Pankey	Lamy
11	Squire Hartt, Jr.	Ranches of Taos
12	Boleslo Romero	Los Lunas
13	Charles J. Laughren	Deming
14	A. C. Abeytia	Socorro
15	William M. McCoy	Mountainair
16	Herbert B. Holt	Las Cruces
17	Gregory Page	Gallup
18	John M. Bowman	Alamogordo
19	James F. Hinkle	Roswell
20	Fred F. Doepp	Carlsbad
21	A. J. Evans	Portales
22	C. H. Alldredge	Tucumcari
23	Thomas J. Mabry	Clovis
24	William B. Walton	Silver City

House of Representatives.

1	Zacarias Padilla	Los Lunas
1	Miguel E. Baca	Los Lunas
2	Conrad N. Hilton	San Antonio
2	Thomas Cooney	Mogollon
3	Thomas A. Gurule	Albuquerque
3	John B. Burg	Albuquerque
3	Rafael Garcia	Albuquerque
4	Roman L. Baca	Santa Fe
4	Charles C. Catron	Santa Fe
5	Julian Trujillo	Chimayo
5	J. P. Lucero	Lumberton
6	George W. Tripp	East Las Vegas
6	Jose G. Lobato	Tecolote
6	Francisco Quintana	Sapello
7	Blas Sanchez	Wagon Mound
7	Remigio Lopez	Roy
8	J. R. Skidmore	Raton
8	Manuel C. Martinez	Ponil
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14	John A. Young	Gallup
14	Duncan McGhillivray	Crown Point
15	W. H. H. Llewellyn	Las Cruces
15	Presiliano Moreno	Las Cruces
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18	Jas. W. Mullens	Roswell
18	John T. Evans	Dexter
18	W. E. Rogers	Roswell
19	Hugh M. Gage	Carlsbad
19	Florence Love	Lovington
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21	S. J. Smith	Mountainview
22	A. S. Goodell	Silver City
22	Robt. H. Boulware	Silver City
23	George H. Tucker	Hillsboro
24	W. H. Chrisman	Aztec
25	J. W. Campbell	Tucumcari
25	John L. House	House
26	W. W. Nichols	Clovis
27	Antonio D. Vargas	Ojo Caliente
28	Tranquillino Labadie	Santa Rosa
29	M. P. Manzanares	Fort Sumner
30	W. E. Blanchard	Arabela

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LAWS OF NEW MEXICO.

First State Legislature, 1912.

CHAPTER 1.

AN ACT DEFINING THE CRIME OF PERJURY AND PRESCRIBING PUNISHMENT THEREFOR. *S. Sub. H. B. No. 10.* Approved March 26, 1912.

Be It Enacted by the Legislature of the State of New Mexico:

Legislature—Powers of Officers—Administer Oaths to Witnesses.

Section 1. The Presiding Officer of the Senate, the Speaker of the House of Representatives, or the Chairman of any committee of either House, or the Chairman of any joint committee of both Houses of the Legislature, shall have power to administer an oath to any witness who may appear to testify at any investigation being had by either of said Houses of the Legislature, or any committee or joint committee thereof.

Legislature—Witnesses—False Testimony, Perjury, Felony.

Sec. 2. Every person lawfully required to depose the truth in any proceeding before either House of the Legislature, or any committee of either House, or a joint committee of the two Houses of the Legislature, who shall wilfully swear falsely in regard to any matter or thing regarding which such oath is required, shall be deemed guilty of perjury, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the state penitentiary for not less than one nor more than five years, or by both such fine and imprisonment.

Emergency; Act Effective upon Passage and Approval.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mex-

ico that the provisions of this act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect from and after its passage and approval.

CHAPTER 2.

AN ACT PROVIDING FOR THE PAYMENT OF PER DIEM AND MILEAGE OF THE LIEUTENANT GOVERNOR AND MEMBERS OF THE LEGISLATURE OF THE STATE OF NEW MEXICO, AND PER DIEM OF THE EMPLOYES OF SAID LEGISLATURE, FOR THE FIRST SESSION THEREOF. *H. B. No. 20; Approved March 27, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Appropriation; Expense of Legislature.

Section 1. That there be and hereby is appropriated for the expense of the Legislative Department of the State of New Mexico, for its present session, the sum of \$57,255.40 or so much thereof as may be necessary in case the present session of the Legislature of New Mexico should adjourn prior to the expiration of ninety days, from the day of its convening.

Appropriation; Expense of Legislature Itemized.

Sec. 2. That the expenses above referred to are as follows:

49 members of the House of Representatives, at five dollars per diem,	\$ 245.00
24 members of the Senate, at the rate of five dollars per diem,	120.00
Lieutenant Governor while acting as presiding officer of the Senate, ten dollars per diem,	10.00
Chief Clerk of the Senate, at the rate of six dollars per diem, ..	6.00
Assistant Chief Clerk of the Senate at the rate of five dollars per diem,	5.00..
Sergeant-at-Arms of the Senate at the rate of six dollars per diem,	6.00
Assistant Sergeant-at-Arms of the Senate, at the rate of five dollars per diem,	5.00
2 Enrolling Clerks of the Senate at the rate of five dollars per diem,	10.00

2 Reading Clerks of the Senate at the rate of five dollars per diem,	10.00
6 Stenographers of the Senate at the rate of six dollars per diem,	36.00
Chaplain of the Senate at the rate of three dollars per diem, ..	3.00
2 Doorkeepers of the Senate at the rate of four dollars per diem	8.00
Messenger of the Senate at the rate of four dollars per diem, ..	4.00
Postmaster of the Senate at the rate of four dollars per diem, ..	4.00
4 Pages of the Senate at the rate of one dollar per diem	4.00
Chief Clerk of the House of Representatives at the rate of six dollars per diem.....	6.00
Assistant Chief Clerk of the House of Representatives at the rate of five dollars per diem,	5.00
Sergeant-at-Arms of the House of Representatives at the rate of six dollars per diem,	6.00
Assistant Sergeant-at-Arms of the House of Representatives at the rate of five dollars per diem.....	5.00
2 Reading Clerks of the House of Representatives at the rate of five dollars per diem,	10.00
2 Enrolling Clerks of the House of Representatives at the rate of five dollars per diem,	10.00
8 Stenographers of the House of Representatives at the rate of six dollars per diem,	48.00
Chaplain of the House of Representatives at the rate of three dollars per diem,	3.00
5 subordinate employes called clerks of the House of Representatives, at the rate of five dollars per diem, ..	25.00
diem ..	25.00
5 Pages of the House of Representatives at the rate of one dollar per diem	5.00

Total per diem expense of members and employes and Lieutenant Governor,	\$ 599.00
Mileage traveled by twenty-four members of Senate and Lieutenant Governor, in going to and returning from the seat of government, by the usual traveled route, at the rate of ten cents per mile,..	1,089.00

Mileage traveled by forty-nine members of the House,
as in last above item, 2,256.40

**Chief Clerk of House and Senate File Pay Roll and Mileage Sheet
With Auditor.**

Sec. 3. That the Chief Clerk of the Senate shall immediately file with the Auditor of the State of New Mexico a complete pay roll of the Senate, including Lieutenant Governor, Senators and employes; also a mileage sheet showing the mileage traveled by each Senator and the Lieutenant Governor in going to and returning from the seat of government, by the usual traversed route, and the Chief Clerk of the House of Representatives shall likewise immediately file with the Auditor a complete pay roll of the House of Representatives, including members of the House of Representatives and employes; also a mileage sheet showing the mileage traveled by each member of the House of Representatives in going to and returning from the seat of government, by the usual traversed route.

Auditor Issue Warrants to Persons Entitled.

Sec. 4. That the Auditor of the State of New Mexico shall forthwith issue a warrant upon the Treasurer of the State of New Mexico, to each of the persons hereinabove designated, said warrant to cover the salary for the first fifteen days attendance during the present first session of the Legislature of the State of New Mexico; and also the mileage of the Lieutenant Governor and each member of the Senate and House of Representatives in coming to and returning from the seat of government by the usual traveled route. In like manner, at the close of each succeeding fifteen days attendance, or a less number of days, should the Legislature adjourn prior to the expiration of ninety days from the day it convened, the Auditor of the State of New Mexico shall issue a warrant upon the Treasurer of the State of New Mexico to each of the persons hereinabove designated, covering their salary for such fifteen day's [days'] attendance, or portion thereof; provided, however, that the Auditor of the State of New Mexico shall cause such person in whose name the warrant is issued to sign an appropriate receipt therefor.

Warrants Payable Out State Treasury—Proviso.

Sec. 5. That such warrants shall be payable and paid out of any funds in the State Treasury, except interest funds and sinking funds.

Emergency; Act Effective upon Passage and Approval.

Sec. 6. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico that the provisions of this act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage and approval.

CHAPTER 3.

AN ACT FIXING THE TIME FOR HOLDING TERMS OF THE DISTRICT COURT IN THE THIRD JUDICIAL DISTRICT OF THE STATE OF NEW MEXICO. *S. Sub. H. B. No. 6; Law by Limitation, April 5, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Terms District Court; Dona Ana, Otero, Torrance, Lincoln Counties.

Section 1. The regular terms of the District Court in the Third Judicial District of the State of New Mexico shall hereafter be held and commenced as follows:

In the County of Dona Ana, at the county seat of said county, commencing on the third Monday of February and the fourth Monday of August in each year.

In the County of Otero, at the county seat of said County, commencing on the second Monday of April and on the fourth Monday of October in each year.

In the County of Torrance, at the county seat of said county, on the fourth Monday of March and the third Monday of September in each year.

In the County of Lincoln, temporarily at Carrizozo, in said county, on the second Monday of March and the first Monday of October in each year.

Process, Writs, Bonds—How Returnable—Effect.

Sec. 2. Every summons, subpoena, writ, venire or other process whatever, which has been or may be issued by, or any bond or recognizance which has been or may be filed in, the said District Court, for any of said counties in said District, returnable to a regular term of said court, as now fixed by law, shall be returnable at the times and places designated in Section One

of this Act, and shall have the same force and effect as if made returnable at the times and places mentioned in said Section One of this Act.

Repeal Clause.

Sec. 3. All acts and parts of acts in conflict herewith, are hereby repealed.

Emergency; Act Effective upon Passage and Approval.

Sec. 4. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage.

CHAPTER 4.

AN ACT AUTHORIZING AND DIRECTING THE AUDITOR AND TREASURER OF THE STATE OF NEW MEXICO, TO TRANSFER CERTAIN FUNDS TO THE CREDIT OF THE LEGISLATIVE EXPENSE FUND, WHICH IS HEREBY CREATED. *S. B. No. 32; Law by Limitation April 4, 1912.*

Be It Enacted by the Legislative Assembly of the State of New Mexico:

State Auditor and Treasurer; Transfer of Certain Funds.

Section 1. The Auditor and Treasurer of the State of New Mexico are hereby authorized and directed to transfer from the Insurance fund the sum of sixteen thousand five hundred dollars (\$16,500.00) from the interest on deposits fund the sum of twenty-one thousand dollars (\$21,000.00), from the salary fund the sum of twenty thousand dollars (\$20,000.00), said funds to be transferred to the credit of the Legislative Expense Fund, which is hereby created.

Emergency; Act Effective upon Passage and Approval.

Sec. 2. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be

in full force and effect from and after its passage and approval.

CHAPTER 5.

AN ACT PROVIDING FOR THE PRINTING AND DISTRIBUTION OF BILLS, JOINT RESOLUTIONS AND JOINT MEMORIALS, AND MAKING AN APPROPRIATION FOR STAMPS AND EXPENSES OF MAILING. *S. B. No. 31; Approved April 9, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Legislature; Printing—Chairman House and Senate Committees Contract for—

Section 1. That the Chairman of the Senate committee upon Printing, Enrolled and Engrossed Bills and the Chairman of the House of Representatives' committee upon Public Printing be and they are hereby authorized and directed jointly to enter into a contract or contracts for the printing of all Bills, Joint Resolutions, and Joint Memorials, introduced either in the Senate or House of Representatives of the Legislature of New Mexico, the printing of which shall be ordered by either of said Houses; also for the printing of all necessary stationery and the furnishing of all necessary supplies required for use in their respective Houses.

Legislature; Printing—Orders to be Approved; Amount of—

Sec. 2. That all orders for printing of stationery or for supplies shall be approved by the Chairman of the Committee on Printing in the House for which the same may be ordered; that there shall be printed not to exceed 300 copies of each Senate Bill, Joint Memorial or Joint Resolution, and not to exceed 450 copies of each House Bill, Joint Memorial or Joint Resolution introduced and the printing of which is ordered by the House in which any such Bill, Joint Memorial or Joint Resolution may be introduced. An equal number of all such Bills, Joint Memorials or Joint Resolutions, may be printed in Spanish. That all Bills, Joint Memorials and Joint Resolutions shall be distributed within 48 hours after they are ordered to be printed.

Legislature; Printing—Distribution of Copies of Bills.

Sec. 3. As rapidly as such Bills, Joint Memorials and Joint

Resolutions are printed, it shall be the duty of the Chief Clerks of the respective Houses to cause copies of all such Bills, Joint Memorials and Joint Resolutions originating in their respective Houses to be delivered to the members of the Legislature and to be mailed to newspapers in the State, and to not exceeding five persons whose names and addresses may be furnished by each member of the Legislature.

Appropriation; Expense for Mailing Copies of Bills.

Sec. 4. For the purpose of defraying the expense incident to such mailing, there is hereby appropriated out of any funds in the State Treasury, except Interest and Sinking funds, the sum of Seven Hundred and Fifty Dollars; two hundred and fifty dollars thereof for the Senate and five hundred dollars thereof for the House of Representatives; that as may be necessary for the purposes aforesaid, requisitions may be drawn upon the State Auditor, signed by the Chairman of the Committee on Printing in and the Chief Clerk of the House for which same may be drawn, and upon presentation of any such requisition the said Auditor shall draw his warrant upon the State Treasurer for the amount thereof. An accurate and itemized account of all such expenditures shall be kept by the Chief Clerk of each House and at the close of the session after approval of same by the Chairman of the Committee on Printing of the House in which same originates, shall be filed in the office of said State Auditor.

Emergency; Act Effective upon Passage and Approval.

Sec. 5. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist and this Act shall take effect and be in full force and effect from and after its passage and approval.

CHAPTER 6.

AN ACT FIXING THE TIME FOR HOLDING TERMS OF THE DISTRICT COURT IN THE FOURTH JUDICIAL DISTRICT OF THE STATE OF NEW MEXICO. *S. B. No. 28; Approved April 9, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

District Court, Terms of—Fourth District; Guadalupe, Mora, San Miguel Counties.

Section 1. The regular terms of the District Court in the Fourth Judicial District of the State of New Mexico shall hereafter be held and commenced as follows:

In the County of Guadalupe, at the county seat of said county, commencing on the first Monday of April and the fourth Monday of September in each year.

In the County of Mora, at the county seat of said county, commencing on the fourth Monday of April and on the fourth Monday of October in each year.

In the County of San Miguel, at the county seat of said county on the third Monday of May and the third Monday of November in each year.

Process, Writs, Bonds—How Returnable—Effect.

Sec. 2. Every summons, subpoena, writ, venire or other process whatever, which has been or may be issued by, or any bond or recognizance which has been or may be filed in, the said District Court, for any of said counties in said District, returnable to a regular term of said Court, as now fixed by law, shall be returnable at the times and places designated in Section One of this Act, and shall have the same force and effect as if made returnable at the times and places mentioned in said Section One of this Act.

Repeal Clause.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed.

Emergency; Act Effective upon Passage and Approval.

Sec. 4. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

CHAPTER 7.

AN ACT FIXING THE TIME FOR HOLDING TERMS OF THE DISTRICT COURT IN THE SECOND JUDICIAL DISTRICT OF THE STATE OF NEW MEXICO. *S. B. No. 38; Approved April 24, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Terms District Court; Bernalillo, McKinley, Sandoval Counties.

Section 1. The regular terms of the District Court in the Second Judicial District of the State of New Mexico shall hereafter be held and commenced as follows:

In the County of Bernalillo, at the county seat of said county, commencing on the third Monday of March and the third Monday of September in each year.

In the County of McKinley, at the county seat of said county, commencing on the third Monday of May and the third Monday of November in each year.

In the County of Sandoval, at the county seat of said county, on the first Monday of February and the fourth Monday of August in each year.

Process, Writs, Bonds—How Returnable, Effect.

Sec. 2. Every summons, subpoena, writ, venire or other process whatever, which has been or may be issued by, or any bond or recognizance which has been or may be filed in, the said district court for any of said counties in said District, returnable to a regular term of said court, as now fixed by law, shall be returnable at the times and places designated in Section One of this Act, and shall have the same force and effect as if made returnable at the times and places mentioned in said Section One of this Act.

Repeal Clause.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed.

Emergency; Act Effective upon Passage and Approval.

Sec. 4. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage and approval.

CHAPTER 8.

AN ACT ENTITLED AN ACT TO PROVIDE FUNDS AND MAKING APPROPRIATION FOR THE PAYMENT OF THE DISTRICT JUDGE AND CLERK OF THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE TERRITORY OF NEW MEXICO. *S. B. No. 27; Law by Limitation, April 26, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:
Appropriation; Salary, Expense—Judge Seventh Judicial District.

Section 1. That there be and hereby is appropriated out of any moneys in the State treasury, not set apart for the payment of interest on the public debt, the sum of six hundred and thirty-three dollars and thirty-three cents for the salary and expenses of Merritt C. Mechem, Judge of the Seventh Judicial District of the Territory of New Mexico from the sixth day of August, A. D., 1909, to the first day of December, A. D., 1909, to be paid immediately upon the passage and approval of this act, and the Auditor of the State is hereby authorized and directed to draw his warrant on the Treasurer of the State in favor of the said Merritt C. Mechem for the amount so accrued.

Appropriation, Salary—Clerk Seventh Judicial District.

Sec. 2. That there be and hereby is appropriated out of any moneys in the State treasury, not set apart for the payment of interest on the public debt, the sum of one thousand and thirteen dollars and thirty-eight cents for the salary of William D. Newcomb, Clerk of the Seventh Judicial District Court of the Territory of New Mexico from the sixth day of August, A. D., 1909, to the first day of December, A. D. 1909, to be paid immediately upon the passage and approval of this act, and the Auditor of the State is hereby authorized and directed to draw his warrant on the Treasurer of the State in favor of the said William D. Newcomb for the amount so accrued.

Emergency; Act Effective upon Passage and Approval.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is

hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage.

CHAPTER 9.

AN ACT ENTITLED AN ACT APPROPRIATING MONEY TO DEFRAY THE COST OF LEGISLATIVE PRINTING AND SUPPLIES. *S. B. No. 112; Approved May 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Appropriation; Cost Legislative Printing and Supplies.

Section 1. That for the purpose of defraying the cost of legislative printing and supplies for the first legislature of New Mexico, there is hereby appropriated out of any funds in the state treasury, except interest upon the public debt, the sum of Twelve Thousand, Five Hundred Dollars, or so much thereof as may be necessary for such purposes.

Appropriation; Manner of Disbursement.

Sec. 2. That said funds shall be disbursed only upon requisitions drawn upon the State Auditor signed by the chairman of the Committee on Printing in and the chief clerk of the House for which same may be drawn, and there shall be attached to each such requisition an itemized statement showing the purpose or purposes for which any such requisition is drawn. Upon presentation of any such requisition to said Auditor he shall forthwith draw his warrant upon the State Treasurer for the amount thereof in favor of the person or persons, association of persons or corporation in whose behalf such requisition is drawn. All such requisitions shall be retained in the files of the said Auditor.

Emergency; Act Effective upon Passage and Approval.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage and approval.

CHAPTER 10.

AN ACT TO PROVIDE THAT THE TWELFTH DAY OF OCTOBER SHALL BE A LEGAL HOLIDAY, AND SHALL BE CALLED COLUMBUS DAY.
H. B. No. 65; Law by Limitation.

Be It Enacted by the Legislature of the State of New Mexico:

Legal Holiday; October Twelfth; Columbus Day.

Section 1. That to commemorate the discovery of America by Christopher Columbus, the twelfth day of October shall hereafter be a legal holiday, and shall be known as Columbus Day.

CHAPTER 11.

AN ACT RELATIVE TO THE INSPECTION OF BEES AND CREATING THE OFFICE OF COUNTY INSPECTOR OF BEES AND APIARIES, TO PROVIDE FOR THE PREVENTION AND SPREAD OF BEE DISEASES AND PENALTIES FOR FAILURE TO OBEY THE PROVISIONS OF THIS ACT. TO PROVIDE FUNDS FOR CARRYING OUT THIS ACT, AND TO REPEAL ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THIS ACT. *H. B. No. 9; Approved May 29, 1912.*

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Section 5. Bee Keepers to notify inspector of Foul Brood or other infectious diseases. Penalties.

Section 6. Duties of County Inspector.

Section 7. On failure of Bee Keeper to comply with Inspectors' instructions. District Attorney.

Section 8. Owners or keepers selling diseased Bees. Penalty.

Section 9. Owners disposing of bees treated, without consent of inspector. Penalty.

- Section 10. Moving Bees without Inspectors Permit. Penalty.
Section 11. Common Carriers transporting without Inspectors' certificate.
Section 12. Inspector and Assistants must disinfect person and clothing.
Section 13. Annual report of County Inspector. What included.
Section 14. Providing funds for carrying out of this Act.
Section 15. Allowance for County Inspector's services and expenses.
Section 16. Duties of County Commissioners.
Section 17. Repealing Acts or parts conflicting with this Act.
Section 18. Passage of this Act. Emergency. Suspending Rule.

Be It Enacted by the Legislature of the State of New Mexico:

Bees, Apiaries; Inspector—Appointment; County Commissioners—Application to.

Section 1. Upon the written application under oath, of any five actual bee-keepers residing in any County in this State, alleging upon information and belief, that the disease known as American Foul Brood, European Foul Brood, or any other disease which is infectious or contagious in its nature and injurious to honey bees in their egg, brood, pupal, or adult stages exists in said County, or that there is danger that diseases or some one of them may be imported into said County from adjoining or other States or Counties within this State, or that infected articles are kept in said County, and that there is danger that such disease will spread to other apiaries, being made to the Chairman of the board of county commissioners of the county, the said board shall, by order to be entered in the records of said board, appoint some competent, actual bee-keeper, residing in said county, to be "County Inspector of Bees and Apiaries," which inspector may appoint an assistant who shall have the same powers as the inspector.

Inspector—File Acceptance and Oath; Term of Office.

Sec. 2. The person so appointed shall, within ten days after his appointment, file with the clerk of such board, his written acceptance of the office, and the usual oath of office; or in default thereof, the board shall, in the same manner, make new appointments until the said office is filled. The

inspector shall hold his office until the next regular election or during the pleasure of the board, and until his successor is appointed and qualified.

Inspector—Prescribe Rules; Powers.

Sec. 3. The County Inspector of Bees and Apiaries, shall prescribe such rules and regulations as may in his judgment seem necessary for the eradication of all contagious diseases of bees in his county. The Inspector shall also have full power, in his discretion, to order any owner, bee-keeper, or possessor of bees dwelling in hives without movable frames, or not permitting of ready examination, to transfer such bees to movable frame hives within a specified time. In default of such transfer the Inspector may destroy, or order destroyed such hives, together with the honey, comb, frames and bees contained therein, without recompense to the owner, keeper, lessee or agent thereof.

Inspector—Powers; Interfering with—Misdemeanor.

Sec. 4. Said Inspector of Bees and Apiaries shall have access, ingress and egress to and from all apiaries, or places where bees are kept in said [said] county, and any person who shall hinder, resist, impede in any way the Inspector in the discharge of his duties shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed One Hundred Dollars, or not more than thirty days in the county jail.

Bees, Disease; Owner Notify Inspector; Failure—Misdemeanor.

Sec. 5. Every bee-keeper, or other person who shall be aware of the existence of Foul Brood, or other contagious disease, either in his own apiary or elsewhere, shall immediately notify the Inspector of Bees, if there be one, setting out in his report all the facts known in reference to the existence of such disease, and in default of so doing shall, on conviction before a Justice of the Peace be liable to a fine of Five Dollars and costs.

Bees—Disease; Inspector—Duties of; Owner—Duties.

Sec. 6. On receiving notice from any source of the existence, in any apiary in his county, of the disease known as Foul Brood, or any other infectious or contagious disease of bees, the County Inspector of Bees and Apiaries, shall forthwith inspect each colony of bees and all hives, implements, appar-

atus, honey and supplies on hand or used in connection with such apiary, and distinctly designate each colony and apiary which he believes infected, and notify the owner or person in charge of said bees thereof, in writing or otherwise, and the owners of bees, or the person in charge thereof, shall within five days thereafter, practically and in good faith, apply and thereafter fully and effectually carry out to aid upon such diseased colonies, such treatment as shall be prescribed by the Inspector for such cases; also thoroughly disinfect, to the satisfaction of such Inspector, all hives, bee houses, combs, honey and apparatus, that have been used in any connection with any such diseased colonies; and if at any time the Inspector finds, or has reason to believe, that the owner, keeper or caretaker of any bees, or the owner of any bees or apiary has refused or is refusing to comply with all or any of such rules and regulations, then and in that event the Inspector is hereby authorized and empowered, if by him deemed necessary to utterly and completely destroy said bees, hives, comb houses, honey and apparatus, by fire or bury the same in the ground, with a covering of not less than two feet of earth.

Bees—Inspector—Regulations; Owners Neglect; District Attorney.

Sec. 7. When any owner, keeper, lessee or possessor of bees shall fail to carry out the instructions of the County Inspector, as set forth in sections 3 and 6 of this Act, the County Inspector or his assistant shall carry out such destruction or treatment, and shall present to the owner or possessor of said bees a bill for the actual cost of such destruction or treatment. In the failure of the owner or possessor of such bees to pay said bill within thirty days after the delivery of same to himself, tenant or agent, or within thirty days after mailing same to his usual post office address, the County Inspector, shall certify to the District Attorney of the county wherein such bees are located, the amount and items of such bills; and the District Attorney shall file suit for the recovery of said account. All moneys recovered by the District Attorney for such destruction or treatment shall be paid into the hands of the County Treasurer, to become a part of the fund for carrying out the provisions of this Act.

Bees, Honey—Disease; Sale of—Misdemeanor.

Sec. 8. If the owner, keeper, caretaker, or possessor of any apiary, honey or appliances wherein disease exists shall know-

ingly sell, barter, or give away or move away, or cause to be moved without a written permit from the County Inspector, any diseased bees, (be they queens or workers), colonies, honey, or appliances, or expose other bees to the danger of such disease, said owner, keeper, caretaker or possessor shall, on conviction thereof, be fined not more than One Hundred Dollars, or imprisoned not more than three months, in the county jail or both such fine and imprisonment.

Bees, Etc., Disease—Sale of After Inspection Without Authority—Misdemeanor.

Sec. 9. Should any person whose bees have been destroyed or treated for Foul Brood or other infectious or contagious disease, sell, or offer for sale, any bees, hives or appurtenances of any kind, after such destruction or treatment, and before being authorized by the County Inspector to do so, or should he expose, in his bee yard or elsewhere, any infected honey, comb honey, or other infected thing, he shall, on conviction thereof be fined in any sum not exceeding One Hundred Dollars.

Bees—Interstate, Intrastate Shipment; Regulations—Misdemeanor.

Sec. 10. It shall be unlawful to move bees from outside or adjoining States into any County within the State of New Mexico, or from one County to another of the said State of New Mexico, unless accompanied by a certificate of inspection signed by the State Entomologist or his Deputy, or State or County Foul Brood Inspector of the State, County, or Counties from which shipped. Such certificates shall certify to the apparent freedom of the bees from contagious disease, and must be based upon an actual inspection of the bees themselves [s] within a period of ninety days preceding date of shipment. The consignee of such bees is hereby required to file with the County Inspector of the County within this State wherein the bees are located, should there be [be] an Inspector, and if not then with the Clerk of the Board of County Commissioners, a certified copy of said certificate. (This shall not apply to shipments of queen bees, by mail when in regular queen mailing cages). For violation of this section said owner, keeper or caretaker shall, on conviction thereof, be fined not less than Fifty Dollars nor more than One Hundred Dollars.

Bees; Common Carriers; Inspection; Misdemeanor.

Sec. 11. Common carriers shall not accept bees for ship-

ment, without a permit from a State or County Inspector in charge of Apiculture. If said bees are shipped from a State or County where there is no inspector, then the said common carrier shall have the same inspected at the terminus by an inspector before delivery. For violation of this section said common carrier shall on conviction thereof, be fined in any sum not to exceed One Hundred Dollars.

Bees—Disease; Inspector—Disinfection.

Sec. 12. After inspecting infected hives or fixtures, or handling diseased bees, the Inspector or his assistant shall, before leaving the premises, or proceeding to any other apiary, thoroughly disinfect any portion of his person and clothing, and any tools or appliances used by him, which have come in contact with infected material, and shall see that any assistant or assistants with him have likewise thoroughly disinfected their person and clothing and any tools and implements [implements] used by them.

Bees; Inspector—Annual Report County Commissioners.

Sec. 13. The said County Inspector shall include in his annual report to the said Board of County Commissioners, a statement of his work during the preceding year, which statement shall include: First, the number of colonies inspected; Second, the number of colonies diseased; Third, the number of colonies destroyed by fire or otherwise; Fourth, the names of the owners, and the localities where found; Fifth, the amount paid him for his services, and expenses for the preceding year.

Inspector—County Commissioners make Appropriation for—Taxation.

Sec. 14. On the passage of this Act, the County Commissioners of any County who has a duly appointed County Inspector, shall, in Counties where there are fifteen hundred colonies of bees or less, set aside and appropriate the sum of One Hundred Dollars and in any County where there are over fifteen hundred colonies of bees the sum of Two Hundred Dollars out of any funds in the County Treasury not otherwise appropriated to pay the per diem allowance of the County Inspector, his necessary expenses, printing, blanks and circulars, and in otherwise carrying out the provisions of this Act, for the first year, and thereafter shall provide a sufficient fund for each year for such purpose by assessing each

colony of bees in the County a direct tax of seven cents in addition to the regular levy thereon, on each colony of bees.

The said County Commissioners shall create a fund derived from a direct taxation on bees with which to reimburse the county treasury for the said appropriation for the first year's expenses.

Inspector—Salary, Expenses of—

Sec. 15. The County Inspector of Bees and Apiaries, of each County shall receive a per diem allowance of Three Dollars for each day, necessarily employed in the discharge of his duties under this Act, together with his necessary and actual expenses while so employed, to be allowed and paid by the county officers, in the same manner as other claims against the County.

Inspector—Petition for; County Commissioners—Duties; Procedure.

Sec. 16. The County Commissioners of any County shall, on being petitioned for a County Inspector of Bees and Apiaries, in accordance with Sections 1 and 2 of this Act, shall then and there proceed as in Section 14 of this Act thereby providing the necessary funds for the carrying out of the provisions of this Act.

Repeal Clause.

Sec. 17. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Emergency; Act Effective upon Passage and Approval.

Sec. 18. It is hereby stated that this Act is necessary for the preservation of the public peace, health and safety; and therefore an emergency is declared to exist and it shall therefore take effect immediately upon its passage and approval.

CHAPTER 12.

AN ACT AUTHORIZING AND EMPOWERING DISTRICT COURTS TO ADJUDICATE INTERESTS IN TOWNSITES WHERE THE TITLE IS VESTED IN THE PROBATE OR COUNTY JUDGE AND TO PROVIDE FOR CONVEYANCES EFFECTING THE SAME. *H. B. No. 112; Approved May 29, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Townsites; Rights of Occupants or Heirs; Suit; Parties; Decree; Probate Judge Execute Deed.

Section 1. Any land embraced in any townsite which has heretofore or may hereafter be entered as provided by the laws of the United States and the title of which is vested in the Probate or County Judge, in trust for the use and benefit of the several occupants of the land embraced within the said townsite, which has not been conveyed to the occupants, their heirs, executors, successors or assigns, and who were entitled to the same at the time the entry of such land was made, or at the time patent was received from the United States, by reason of the failure of said Probate or County Judge to give notice of such entry, or the receiving of said patent, or by reason of such occupants, their heirs, executors, successors and assigns failing to make the statement and filing the same as required by law, then in such case any such occupant, or the heirs, executors, successors or assigns of any such occupant, may file a suit in the District Court in the County wherein such land is situated, to have his or its interest in the said land, at the time of such entry, or the receiving of such patent, or the successor in title to the right of such occupant, declared and ascertained. The Probate or County Judge shall be made party-defendants and the said District Court, upon a hearing, shall adjudicate and determine the interest of such occupant at the time of such entry, or the receiving of such patent, or the interest of the heirs, executors, successors and assigns of such occupant, and entering a decree declaring the interest of such occupant. Upon the entering by the said District Court of the decree declaring the interest of such occupant, or his or its successors in title, the County or Probate Judge of the County shall immediately thereafter make, execute and deliver to the parties so declared to be entitled to any part of the land embraced within the said townsite, a deed for his or its respective interest.

Parties Plaintiff; Service—Publication; Intervention.

Sec. 2. Such suit may be brought by any one or more of such occupants, or their heirs, executors, successors or assigns. Notice of such suit shall be by publication in the same manner that notice of the pendency of other civil suits by publication are now made. Any party interested in the land embraced within the said townsite shall have the right to enter

his appearance in said suit and to have his interest in the said land embraced in the said townsite adjudicated and determined.

Repeal Clause.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

CHAPTER 13.

AN ACT TO ENABLE SCHOOL DISTRICTS TO BORROW MONEY FOR THE PURPOSE OF ERECTING AND FURNISHING SCHOOL BUILDINGS AND PURCHASING SCHOOL GROUNDS. *H. B. No. 123, Approved May 29, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

School Districts; Power to Borrow Money to Erect or Furnish Buildings; Election; Limitation on Indebtedness.

Section 1. That every school district, whether organized under the name of "school district" or under the name of "board of education," shall have power and authority to borrow money for the purpose of erecting and furnishing school buildings and purchasing school grounds, but such power or authority shall exist only when the proposition to create the debt shall have been submitted to the qualified electors of the district, and approved by a majority of those voting thereon. No such school district shall ever become indebted in an amount, including existing indebtedness, exceeding six per centum on the assessed valuation of the taxable property within the district as shown by the preceding general assessment.

What Law Applicable—Repeal Clause.

Sec. 2. All laws relating to issuing and payment of bonds, interest thereon, and elections to authorize the same, shall be and remain in force as though this act had not been passed, except the provisions of said laws which are in conflict with the provisions of this act.

CHAPTER 14.

AN ACT FIXING THE TIME FOR HOLDING THE REGULAR TERMS OF THE DISTRICT COURT IN THE FIFTH JUDICIAL DISTRICT OF THE STATE OF NEW MEXICO. *S. B. No. 2; Approved May 29, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

District Court, Terms of Fifth District; Eddy, Curry, Roosevelt, Chaves Counties.

Section 1. The regular terms of the District Court in and for the Fifth Judicial District of the State of New Mexico shall, after the time this Act shall take effect and be in force, be commenced and held as follows: In the County of Eddy, at the county seat of said county, commencing on the Second Monday in January and the first Monday in September of each year; in the County of Curry, at the county seat of said county, commencing on the Second Monday in February and the Fourth Monday in September of each year; in the County of Roosevelt, at the county seat of said county, commencing on the Second Monday in March and the Second Monday in October of each year; and in the County of Chaves, at the county seat of said county, on the Second Monday in April and the First Monday in November of each year.

Process, Writs, Bonds—How Returnable—Effect.

Sec. 2. Every writ, summons, bond, recognizance, subpoena, venire or other process whatever, which has been or may be issued or taken out from the District Court for any of said counties in said District returnable to a regular term of a court therein shall be returnable at the times and places designated in Section 1 of this Act and shall have the same force and effect as if the same had been made returnable at the times and places mentioned in said Section 1 of this Act.

Emergency; Act Effective upon Passage and Approval.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico that the provisions of this act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

CHAPTER 15.

AN ACT RELATING TO EMPLOYES AND PROVIDING THAT THEY HAVE TWO HOURS' TIME FROM THEIR EMPLOYMENT IN WHICH TO VOTE AND PROVIDING AGAINST INTIMIDATION. *H. B. No. 15; Approved May 29, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Elections; Employees; Voting; Granting Absence from Employment.

Section 1. Any person entitled to vote at any election provided by law in this state may on the day of such election be entitled to absent himself from any service or employment in which he is then engaged, for a period of two hours between the time of opening and the time of closing the polls, and such voter shall not because of thus absenting himself be liable to any penalty: provided, however, the employer may specify the hours during which the employe may absent himself, as aforesaid.

Elections; Voting; Intimidation of Employees; Misdemeanor.

Sec. 2. Any person or corporation who shall refuse to an employe the privilege conferred in the foregoing section, or who shall in any manner attempt to influence or control such voter as to how he shall vote, by offering [offering] any reward, or by threatening to discharge from employment or discharging such employe, or otherwise intimidating him from a full and free exercise of his right to vote, or shall, directly or indirectly, violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and be fined in any sum not less than fifty dollars nor more than one hundred dollars upon conviction before any justice of the peace or the district court.

CHAPTER 16.

AN ACT ENTITLED AN ACT IN RELATION TO THE DEBTS AND LIABILITIES OF THE TERRITORY OF NEW MEXICO AND THE DEBTS OF THE COUNTIES THEREOF ASSUMED BY THE STATE OF NEW MEXICO UNDER ITS CONSTITUTION AND TO PROVIDE FOR THE PAYMENT OR REFUNDING THEREOF BY THE ISSUE AND SALE

OF THE BONDS OF THE STATE OF NEW MEXICO AND TO CREATE AND DEFINE THE POWERS OF A BOARD OF LOAN COMMISSIONERS TO CARRY THE PROVISIONS OF THIS ACT INTO EFFECT, AND EXCLUDING MILITIA WARRANTS FROM CONSIDERATION BY SAID BOARD. *H. B. 41; Approved June 1, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Territory New Mexico—Debts, Liabilities; Creating Board Loan Commissioners of State New Mexico.

Section 1. For the purpose of ascertaining and determining the debts and liabilities of the Territory of New Mexico and the debts of the counties thereof which were valid and subsisting on June 20, 1910, and which are assumed by the State of New Mexico under the Constitution thereof and for the purpose of providing for the payment or refunding thereof by the issue and sale of bonds or otherwise, the Attorney General of New Mexico, the State Treasurer of New Mexico and the State Auditor of New Mexico, shall constitute and are hereby created a Board of Commissioners to be styled the "Board of Loan Commissioners of the State of New Mexico," and shall have and exercise the powers and perform the duties hereinafter provided.

Board Loan Commissioners—Organization; Meetings; Proceeding.

Sec. 2. Within ten days after this Act shall take effect, the members of said Board of Loan Commissioners shall meet at the City of Santa Fe in the State of New Mexico, shall take the oath of office, and shall organize by electing one of their members Chairman of the Board, and another of their members Secretary of said Board. The said Board shall hold its meetings at the City of Santa Fe, New Mexico, and shall meet at such times as a majority of the members may appoint but the Chairman of said Board may at any time call a special meeting thereof. Special meetings of the said Board shall also be convened and held whenever directed by the Governor of the State of New Mexico. All the proceedings of the said Board shall be recorded in a well bound and suitable book which shall be kept in the office of the State Auditor.

State Treasurer—Receive Funds—Duties.

Sec. 3. The State Treasurer shall be ex-officio Treasurer of the said Board and all moneys received by the said Board

from the sale of bonds authorized by this Act to be issued and from the levy and collection of taxes for the payment of the said bonds or any of them, and from the sale or lease of any lands held in trust or available for the payment of the said bonds or any of them, shall be paid to and received by the said State Treasurer who shall be chargeable therefor upon his official bond. It shall be the duty of the said State Treasurer to keep separate accounts for each of the issues of bonds authorized hereby and for the moneys received by him from taxes for the payment of the interest and principal thereof respectively.

State Auditor—Certify to Board all Debts Assumed by State Under Constitution.

Sec. 4. Immediately upon the organization of the said Board, the said Board shall by its Secretary give notice of its organization to the State Auditor and the State Auditor shall, within thirty days after the receipt of such notice, immediately certify and report to the said Board all of the debts and liabilities of the Territory of New Mexico assumed by the State of New Mexico under and pursuant to the Constitution thereof, specifying the nature, character, date, denomination and maturity of all bonds and obligations and evidences of indebtedness made or issued by the Territory of New Mexico, together with the rate of interest thereon and the amount of unpaid and accrued interest thereon and the date when the same becomes payable at the option of the obligor therein, and all other facts necessary or proper to enable the said Board to ascertain and determine the amount and extent of the liability of the State of New Mexico thereunder.

County Commissioners—Certify to Board Indebtedness of Counties.

Sec. 5. Immediately upon its organization, said Board shall, by its Secretary, give notice thereof to the Board of County Commissioners of each county of New Mexico and within thirty days after the receipt of such notice, the Board of County Commissioners of the several counties in New Mexico are hereby directed to and shall report to the said Board of Loan Commissioners, the indebtedness of their several counties evidenced by bonds, coupons and other obligations which was valid and subsisting on June 20, 1910, and is still outstanding and unpaid, together with the amount of all accrued and unpaid interest thereon and shall certify and report to the said Board of Loan Commissioners the nature, form and character of the respective obligations evidencing the said indebtedness made and executed

by the said counties or by the officers thereof, all judgments rendered against the said counties or any of them for the principal or interest of the said indebtedness, and also the date of issue, tenor, denomination, date of maturity, optional date of payment of all bonds and obligations, and all other facts necessary and proper to enable the said Board of Loan Commissioners to ascertain the amount thereof and the extent of the liability of the State of New Mexico by reason of its assumption of the debts of the said counties under the provisions of the Constitution thereof.

Board Loan Commissioners—Powers—Inspection Record.

Sec. 6. The said Board of Loan Commissioners is hereby authorized to examine and inspect all books and records kept by the Territory of New Mexico and of the several counties thereof in relation to the authorization, issuance, sale, delivery and payment of the debts and liabilities of the Territory of New Mexico and of the debts of the counties thereof, which were valid and subsisting on June 20, 1910, and the said books and records shall upon the written request of the said Board of Loan Commissioners by its Secretary, be forthwith produced and exhibited to the said Board of Loan Commissioners by the custodians thereof.

Claims Against State New Mexico or Counties; Presentation to Boards; Attorney General; Procedure; Appeal to District and Supreme Court.

Sec. 7. All persons, counties and municipalities having any claim or demand against the Territory of New Mexico or against any of the counties thereof in respect of debts which were valid and subsisting on June 20, 1910, and so assumed by said State, may submit the same to the said Board of Loan Commissioners and may produce before the said Board of Loan Commissioners the evidences of said indebtedness; and it shall thereupon be the duty of the said Board of Loan Commissioners, after twenty days notice to the Attorney General of the State of New Mexico or the Board of Commissioners of the respective counties as the case may be, to proceed forthwith and without delay, to hear the parties and to take testimony and to investigate, inquire into and determine the validity of the said claims and demands and the liability of the State of New Mexico for the same by reason of its assumption of the debts and liabilities of the said Territory and the debts of the counties thereof pursuant to the provisions of the Constitution of the State of New Mexico. Any party aggrieved

by the determination of the Board of Loan Commissioners may appeal to the District Court and the said Board of Loan Commissioners shall certify to the said District Court all testimony, documents and proceedings of the said Board with respect to the matter under review and said District Court may, if it deems the interests of justice so require, take additional testimony and shall render its decision or judgment from which decision or judgment an appeal shall lie to the Supreme Court of the State of New Mexico at the instance of any party aggrieved. If no appeal be taken from the decision or determination of said Board of Loan Commissioners or the said District Court within twenty days after the same shall have been made, such decision or determination shall be final and binding as to the right to have the said claim or demand paid or refunded under the provisions of this Act.

Board Loan Commissioners—Power to Issue Bonds for Indebtedness.

Sec. 8. The said Board of Loan Commissioners is hereby authorized from time to time to issue negotiable coupon bonds of the State of New Mexico to provide for the payment or refunding of all debts and liabilities of the Territory of New Mexico and the debts and liabilities of the counties thereof which were valid and subsisting on June 20, 1910, as evidenced by the bonds or obligations of said Territory of New Mexico or by any Act of the Legislative Assembly thereof, and the bonds and obligations of the said counties thereof and past due and matured and unpaid interest coupons thereof and by the unpaid, valid and subsisting judgments recovered for past due coupons on the said bonds and obligations.

Bonds—Denomination—Interest—When, Where Payable—Redemption—Provisions—How Executed. Registration—Redemption Before Maturity, Notice, Publication.

Sec. 9. The bonds of the State of New Mexico authorized to be issued by this Act shall be in denomination of \$1,000 or such smaller denomination, but not less than \$100, as the said Board of Loan Commissioners may deem necessary. Said bonds shall bear interest at a rate to be fixed by the said Board of Loan Commissioners not exceeding five per cent per annum which interest shall be payable semi-annually in gold coin or its equivalent in lawful money of the United States on the first day of March, and the first day of September, each year, at the office of the State Treasurer or at the Seaboard National Bank in the City of New

York, in the State of New York, or such other place as may be designated by the said Board of Loan Commissioners, the place of payment being specified in the said bonds and in the coupons attached thereto. The principal of said bonds shall be made payable to bearer in gold coin or its equivalent in lawful money of the United States forty years after their date; and it shall be provided by said bonds of Series A and B that they may be redeemed at the option of the State at any time after twenty years from their date, and by said bonds of Series C that they may be redeemed at the option of the State at any time after ten years from their date. The said bonds shall state when and where payable, the rate of interest and when and where the interest shall be payable and shall be signed by the Governor and by the Chairman of the said Board of Loan Commissioners, attested by the Secretary of State under the seal of the State, countersigned by the State Treasurer and registered by the State Auditor in a book to be kept by him for that purpose, which book shall state the date, number, amount and series of each obligation, the amount for which the same shall have been sold, or if exchanged for what said bonds shall be exchanged. The faith and credit of the State is hereby pledged for the prompt payment of the said bonds and the interest thereon as herein provided.

If the right shall be reserved to redeem said bonds after twenty years from their date and in advance of maturity, it shall be provided in each bond so issued that if it shall be called for redemption before maturity, notice thereof in writing shall be given by the State Treasurer to the said Seaboard National Bank in the City of New York, in the State of New York, or to such other person or corporation as may be designated in the bond at least thirty days before the date fixed for redemption and in addition thereto, notice thereof shall be published by the State Treasurer in a newspaper published in Santa Fe, New Mexico, and also in a newspaper published in the City of New York, State of New York, once a week for four successive weeks next prior to the date fixed for redemption, and if any bond so called for redemption be not then presented it shall cease to bear interest from and after the date so fixed for redemption.

Bonds—Interest Coupons Attached, Essentials of—

Sec. 10. Interest coupons shall be attached to the said bond and the said coupons shall be consecutively numbered, specifying the number of the bond to which they are attached and shall be

attested by the lithographed or engraved fac-simile signature of the State Treasurer.

Bonds—Issued in Three Series.

Sec. 11. The bonds authorized to be issued by this Act shall be issued in three series, as follows:

Series "A" To provide for the payment or refunding of the debts and liabilities of the Territory of New Mexico which were assumed by the State of New Mexico under and pursuant to the provisions of its Constitution.

Series "B," To provide for the payment or refunding of the debts of the several counties of New Mexico, which were valid and subsisting on June 20, 1910, and which were assumed by the State of New Mexico under and pursuant to the provisions of its Constitution, provided, however, that the bonds of the Counties of Grant and Santa Fe which were validated, approved and confirmed by Act of Congress of January 16, 1897, and the accrued and unpaid interest thereon and any and all judgments against the said counties of Grant and Santa Fe or either of them, for the principal or interest of the said bonds shall not be included in the said Series "B" bonds, or refunded or paid out of the proceeds of the said Series "B" bonds.

Series [Series] "C," To provide for the payment or refunding of the bonds, and accrued interest thereon, of Grant and Santa Fe Counties which were validated, approved and confirmed by Act of Congress of January 16, 1897, and which accrued interest thereon is evidenced by matured and unpaid interest coupons and by unpaid valid and subsisting judgments recovered for past due principal and interest coupons of such bonds, which bonds and accrued interest thereon were assumed by the State of New Mexico under and pursuant to the provisions of its Constitution.

Bonds—Series "A"—Form and Substance.

Sec. 12. The said Series "A" Bonds and the coupons thereof shall be substantially in the following form, viz:

UNITED STATES OF AMERICA

STATE OF NEW MEXICO

NEW MEXICO STATE BOND, SERIES "A."

TERRITORIAL DEBT REFUNDING BOND.

No. \$.....

On the day of, 19...

the State of New Mexico, for value received, will pay to bearer the sum of.....Dollars, in gold coin or its equivalent in lawful money of the United States, with interest thereon at the rate of.....per centum per annum, payable semi-annually in gold coin or its equivalent in lawful money of the United States, on the first day of..... and..... of each year, both principal and interest of this bond being payable at the office of the State Treasurer in the City of Santa Fe, New Mexico, or at the..... Bank in the City of New York, State of New York, at the option of the holder.

The State of New Mexico reserves the right to call and redeem this bond at any interest date twenty years after the date of this bond upon notice thereof being given in writing by the State Treasurer to the said..... Bank in the City of New York, State of New York, at least thirty days before the date fixed for redemption and by publication of said notice in a newspaper published in Santa Fe, New Mexico, and also in a newspaper published in the City of New York, State of New York, once a week for four successive weeks prior to the date fixed for redemption, and upon such notice being given, this bond shall cease to bear interest from and after the date so fixed for redemption.

This bond is issued for the purpose of paying or refunding the debts and liabilities of the Territory of New Mexico assumed by the State of New Mexico under its Constitution, and is issued under, pursuant to and in strict conformity with the Constitution of the State of New Mexico and an act of the Legislature of the State of New Mexico entitled "An Act in relation to the debts and liabilities of the Territory of New Mexico and the debts of the the counties thereof assumed by the State of New Mexico under its Constitution and to provide for the payment or refunding thereof by the issue and sale of the bonds of the State of New Mexico and to create and define the powers of a Board of Loan Commissioners to carry the provisions of this Act into effect and excluding Militia Warrants from consideration by said Board," approved....., 19....

It is hereby certified that all acts, conditions and things required to exist, happen and be performed by the Constitution and statutes of the State of New Mexico, including the said act approved.....19...., in the issuance and sale of this bond, have in all things been strictly

complied with and have happened and been performed; that the debts and liabilities refunded or paid with the proceeds of this bond were valid debts and liabilities of the Territory of New Mexico assumed by the State of New Mexico pursuant to the Constitution thereof and that this bond is the binding and valid obligation of the State of New Mexico for the payment of which and the interest thereon as they respectively fall due, the full faith and credit of the State of New Mexico are hereby irrevocably pledged.

IN WITNESS WHEREOF, the said State of New Mexico has caused this bond to be signed by its Governor and by the Chairman of the Board of Loan Commissioners of the State of New Mexico, attested by its Secretary of State under the seal of the State, countersigned by the State Treasurer and the coupons attached hereto to be attested by the lithographed or engraved fac-simile signature of the said State Treasurer, and this bond to be dated the.....day of....., 191..

.....
Governor.

.....
Chairman Board of Loan Commissioners of the State of New Mexico.

ATTEST:

.....
Secretary of State.

COUNTERSIGNED:

.....
State Treasurer.

REGISTERED:

.....
State Auditor.

(Form of Coupon)

On the first day of....., 19...., the State of New Mexico will pay to bearer.....Dollars in gold coin or its equivalent in lawful money of the United States at the State Treasurer's Office in the City of Santa Fe, New Mexico, or at the.....Bank, City of New York, N. Y., at the option of the holder, being six month's interest then due on New Mexico Territorial Debt Refunding Bond, Series "A," dated....., A. D., 19.... number.....

.....
State Treasurer.

Bonds—Series "B"—Form and Substance.

Sec. 13. The said Bonds Series "B," and the coupons thereof shall be substantially in the following form, viz:

UNITED STATES OF AMERICA

STATE OF NEW MEXICO

NEW MEXICO STATE BOND, SERIES "B"

COUNTY OF.....DEBT REFUNDING BOND.

No..... \$.....

On the.....day of....., 19...., the State of New Mexico, for value received, will pay to bearer the sum of.....Dollars, in gold coin or its equivalent in lawful money of the United States, with interest thereon at the rate of.....per centum per annum, payable semi-annually in gold coin or its equivalent in lawful money of the United States, on the first day of..... and.....of each year, both principal and interest of this bond being payable at the office of the State Treasurer in the City of Santa Fe, New Mexico, or at the.....Bank in the City of New York, State of New York, at the option of the holder.

The State of New Mexico reserves the right to call and redeem this bond at any interest date twenty years after the date of this bond upon notice thereof being given in writing by the State Treasurer to the said.....Bank in the City of New York, State of New York, at least thirty days before the date fixed for redemption and by publication of said notice in a newspaper published in Santa Fe, New Mexico, and also in a newspaper published in the City of New York, State of New York, once a week for four successive weeks prior to the date fixed for redemption, and upon such notice being given, this bond shall cease to bear interest from and after the date so fixed for redemption.

This bond is issued for the purpose of paying or refunding the debts of the County of.....of the Territory of New Mexico which were valid and subsisting on June 20, 1910, and which are assumed by the State of New Mexico under its Constitution and is issued under, pursuant to and in strict conformity with the Constitution of the State of New Mexico and an act of the Legislature of the State of New Mexico

entitled "An Act in relation to the debts and liabilities of the Territory of New Mexico and the debts of the counties thereof assumed by the State of New Mexico under its Constitution and to provide for the payment or refunding thereof by the issue and sale of the bonds of the State of New Mexico and to create and define the powers of a Board of Loan Commissioners to carry the provisions of this act into effect and excluding Militia Warrants from consideration by said Board," approved.....19..

It is hereby certified that all acts, conditions and things required to exist, happen and be performed by the Constitution and statutes of the State of New Mexico, including the said act approved....., 19..., in the issuance and sale of this bond, have in all things been strictly complied with and have happened and been performed; that this bond is issued for the purpose of paying or refunding debts of the County of, of the Territory of New Mexico which were valid and subsisting on June 20, 1910, and which are assumed by the State of New Mexico pursuant to the provisions of the Constitution thereof and that this bond is the binding and valid obligation of the State of New Mexico for the payment of which and the interest thereon as they respectively fall due, the full faith and credit of the State of New Mexico are hereby irrevocably pledged as provided in said act.

IN WITNESS WHEREOF, the said State of New Mexico has caused this bond to be signed by its Governor and by the Chairman of the Board of Loan Commissioners of the State of New Mexico, attested by its Secretary of State, under the seal of the State, countersigned by the State Treasurer and the coupons attached hereto to be attested by the lithographed or engraved facsimile signature of the said State Treasurer, and this bond to be dated the.....day of....., 19...

.....
Governor.

.....
Chairman Board of Loan Commissioners of the State of New Mexico.

ATTEST:

.....
Secretary of State.

COUNTERSIGNED:

.....

State Treasurer.
REGISTERED:

.....
State Auditor.

(Form of Coupon)

On the first day of....., 19..., the State of New Mexico will pay to bearer.....Dollars in gold coin or its equivalent in lawful money of the United States at the State Treasurer's office in the City of Santa Fe, New Mexico, or at the.....Bank, City of New York, N. Y., at the option of the holder, being six month's interest then due on New Mexico County of..... Debt Refunding Bond, Series "B," dated....., A. D., 19..., number.....

.....
State Treasurer.

Bonds—Series "C"—Form and Substance.

Sec. 14. The said Bonds Series "C," and the coupons thereof shall be substantially in the following form, viz:

UNITED STATES OF AMERICA
STATE OF NEW MEXICO

NEW MEXICO STATE BOND, SERIES "C"
GRANT AND SANTA FE COUNTIES VALIDATED DEBT
REFUNDING BOND.

No..... \$.....

On theday of....., 19..., the State of New Mexico, for value received, will pay to bearer the sum of.....Dollars, in gold coin or its equivalent in lawful money of the United States, with interest thereon at the rate of.....per centum per annum, payable semi-annually in gold coin or its equivalent in lawful money of the United States, on the first day of..... and.....of each year, both principal and interest of this bond being payable at the office of the State Treasurer in the City of Santa Fe, New Mexico, or at the.....Bank in the City of New York, State of New York, at the option of the holder.

The State of New Mexico reserves the right to call and redeem this bond at any interest date ten years after the date of this bond upon notice thereof being given in writing by the State Treasurer to the said.....Bank in

the City of New York, State of New York, at least thirty days before the date fixed for redemption and by publication of said notice in a newspaper published at Santa Fe, New Mexico, and also a newspaper published in the City of New York, State of New York, once a week for four successive weeks prior to the date fixed for redemption, and upon such notice being given, this bond shall cease to bear interest from and after the date so fixed for redemption.

This bond is issued for the purpose of paying or refunding the bonds and accrued interest thereon of Grant and Santa Fe Counties, which were validated, approved and confirmed by Act of Congress of January 16, 1897, and which are assumed by the State of New Mexico under its Constitution and is issued under, pursuant to and in strict conformity with the Constitution of the State of New Mexico and an act of the Legislature of the State of New Mexico entitled "An Act in relation to the debts and liabilities of the Territory of New Mexico and the debts of the counties thereof assumed by the State of New Mexico under its Constitution and to provide for the payment or refunding thereof by the issue and sale of the bonds of the State of New Mexico and to create and define the powers of a Board of Loan Commissioners to carry the provisions of this act into effect and excluding Militia Warrants from consideration by said Board," approved....., 19....

It is hereby certified that all acts, conditions and things required to exist, happen and be performed by the Constitution and statutes of the State of New Mexico, including the said act approved....., 19..., in the issuance and sale of this bond, have in all things been strictly complied with and have happened and been performed; that this bond is issued for the purpose of paying or refunding the bonds and accrued interest thereon of Grant and Santa Fe Counties, which were validated, approved and confirmed by Act of Congress of January 16, 1897; and which are assumed by the State of New Mexico pursuant to the provisions of the Constitution thereof and that this bond is the binding and valid obligation of the State of New Mexico for the payment of which and the interest thereon as they respectively fall due, the full faith and credit of the State of New Mexico are hereby irrevocably pledged, as provided in said act.

IN WITNESS WHEREOF, the said State of New Mexico has caused this bond to be signed by its Governor, and by the Chair-

man of the Board of Loan Commissioners of the State of New Mexico, attested by its Secretary of State under the seal of the State, countersigned by the State Treasurer and the coupons attached hereto to be attested by the lithographed or engraved facsimile signature of the said State Treasurer, and this bond to be dated theday of....., 19....

.....
Governor.

.....
Chairman Board of Loan Commissioners of the State of New Mexico.

ATTEST:

.....
Secretary of State.

COUNTERSIGNED:

.....
State Treasurer.

REGISTERED:

.....
State Auditor.

(Form of Coupon)

On the first day of....., 19...., the State of New Mexico will pay to bearer.....Dollars in gold coin or its equivalent in lawful money of the United States at the State Treasurer's Office in the City of Santa Fe, New Mexico, or at the.....Bank, City of New York, N. Y., at the option of the holder, being six month's interest then due on New Mexico Grant and Santa Fe Counties Validated Debt Refunding Bond, Series "C," dated....., A. D., 19...., number.....

.....
State Treasurer.

Bonds—Sale; Publication; Notice, Essentials; Bids, Opening—Awarding Bonds—Right to Reject; No More Sold Than Sufficient to Satisfy Indebtedness.

Sec. 15. Any bonds issued pursuant to this act shall be sold for not less than par and accrued interest to date of delivery. They shall be sold after publication of notice of sale thereof at least once a week for four successive weeks in some daily newspaper published at the Capital of this State and also at least once a week for four successive weeks in a newspaper published in each of the following places, to-wit: In the City of New York,

State of New York; in the City of Cleveland, Ohio; in the City of Boston, Massachusetts; in the City of Chicago, Illinois; and in the cities of Kansas City and St. Louis, Missouri. Such notice shall specify the amount, denomination, maturity and description of the bonds to be sold, and the place, day and hour at which the said Board of Loan Commissioners will receive bids for the purchase of said bonds, such day being not less than one month after the first advertisement in each of the said newspapers. At the place and time named in the said notice, the said Board of Loan Commissioners shall open all bids in public and shall award the bonds or any part thereof of Series A and B to the bidder or bidders therefor offering the highest price for said bonds. The said Loan Commissioners may, in their discretion as to bonds of Series A and B, and shall as to bonds of Series C, by notice of sale published in conformity with this section, offer the said bonds for sale to the person who will agree to take the same at par and accrued interest to date of delivery and at a rate of interest to be named in his bid; in that event the bonds or any part thereof shall be awarded to the person offering to accept the same at par at the lowest rate of interest. Said Loan Commissioners shall have the right to reject any and all bids and may refuse to make any award unless security satisfactory to the said Board of Loan Commissioners shall be furnished by the bidder or bidders for compliance with the terms of their bid. The Board of Loan Commissioners shall not issue or sell any more bonds than may be sufficient to pay or refund the indebtedness for the payment or refunding of which the same are issued; and the notice of sale shall in each instance state that only so much of such bonds will be sold as may be necessary, at the price bid, to realize the amount of the indebtedness to be so paid.

Bonds—Offer by Person Holding Indebtedness of Par and Interest—Procedure, Publication.

Sec. 16. If any person owning and holding any debts or liabilities of the Territory of New Mexico or any debt of any of the counties thereof which were valid and subsisting on June 20, 1910, shall offer in writing to bid par and accrued interest for bonds of the series and description herein provided to be issued for the purpose of paying or refunding the debt or liability held by such person, bearing interest at a rate specified in such offer but not exceeding five per centum per annum, the said Board of Loan Commissioners shall within thirty days after the receipt of such offer, proceed to publish notice of the sale of bonds to the

ascertained amount of such debt or liability in conformity with the provisions of section 15 of this Act, but in that event, the said bonds shall be offered to the person who will agree to accept the said bonds at the lowest rate of interest specified in the bids received and to pay for said bonds at not less than par and accrued interest.

Bonds—Sale—Successful Bidder—Payment by Cancellation of Indebtedness—Proviso.

Sec. 17. The successful bidder at any sale of any of the said bonds, Series "A," "B" and "C" authorized to be issued under the provisions of this Act may pay for the said bonds by surrendering and cancelling any of the indebtedness of the said Territory or of said counties thereof for the payment or refunding of which the bonds awarded to him shall be issued. But in no case shall any such indebtedness be accepted in payment of any such bid at more than its face value and any interest due less any amounts that may have been paid thereon.

Bonds; Attorney General—Submission to—Certificate of—Evidence;

Change of Countersigning Officer Before Delivering—Validity; Board Certify to State Treasurer Persons to Whom Awarded—Deliver to State Treasurer—Treasurer Liable For, Duty—

Sec. 18. It shall be the duty of said Board of Loan Commissioners to cause any bonds issued under this act to be prepared, signed and sealed in the manner prescribed herein, and when so signed and sealed, the said bonds shall be submitted to the Attorney General, whereupon it shall be the duty of the Attorney General to carefully examine the said bonds in connection with the facts and Constitution and the provisions of this statute and if as a result of such examination, the Attorney General shall find that such bonds are issued in conformity with the Constitution and in conformity with this statute and that they are binding and valid obligations upon the State, he shall officially so certify upon each of the said bonds as follows:

"The within bond examined and certified to be regularly issued and a valid obligation of the State of New Mexico," which certificate shall be signed by the Attorney General and shall be admitted and received in evidence as proof of the validity of such bonds with the coupons thereto attached, and no defense shall be offered against any bonds so certified in any action or proceeding, except forgery. In case any of the officers whose signatures, countersignatures or certificates appearing upon the bonds or coupons shall cease to be such officer before the delivery

of such bonds to the purchaser, such signature or countersignature and certificates shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds. It shall also be the duty of the said Board of Loan Commissioners to certify to the State Treasurer the person or persons to whom they have awarded the said bonds or any portion thereof in conformity with the provisions of this Act. The said Board of Loan Commissioners after the said bonds are fully executed, sealed and certified shall deliver the same to the State Treasurer taking his receipt therefor, and the said State Treasurer shall stand charged upon his official bond for the faithful performance of the duties required of him under this Act. The State Treasurer shall deliver the said bonds to the person or persons to whom the same have been awarded by the Board of Loan Commissioners at the price or prices bid therefor upon such person or persons paying the purchase price therefor to the State Treasurer in cash or by the surrender and cancellation of indebtedness of the Territory or of a county, as the case may be, for the payment or refunding of which such bonds are so issued.

State Treasurer, Apply Money to Indebtedness—Duty When Bonds Paid—Keep Record—Report to Governor; Records Public.

Sec. 19. Moneys received by the State Treasurer from the sale of the said bonds shall be applied by him to the payment and redemption of the indebtedness for the payment or refunding of which the bonds sold are issued. It shall be the duty of the State Treasurer to endorse by writing or stamping in ink on the face of all bonds, writings and obligations paid by him or received by him pursuant to the provisions hereof in payment of the purchase price of any bonds sold, the words "Redeemed and Cancelled" with the date of cancellation. He shall keep a full and particular account and record of all the proceedings under the provisions of this Act and of the bonds, coupons and judgments redeemed or surrendered and shall transmit to the Governor an abstract of all his proceedings under this Act with his annual report to be by the Governor laid before the Legislature at its meeting. All books and papers pertaining to the matters provided for in this Act shall at all times be open to the inspection of any person interested or to the Governor or a committee of either branch of the Legislature or a joint committee of both.

Indebtedness, Territorial—County Subject to Payment at Option of State or County Commissioners as Successor; Power of Loan Board—Notice of Intention to Redeem—Sell Bonds.

Sec. 20. If at any time any indebtedness or liability of the Territory of New Mexico or of the counties thereof which are so assumed by the State is authorized to be paid, redeemed or refunded by this Act is subject to payment at the option of the State of New Mexico as the successor of the Territory of New Mexico, or at the option of the Board of County Commissioners of the respective counties of New Mexico, then said Board of Loan Commissioners is hereby authorized and empowered to give notice in the manner prescribed in such obligations or in the statute, ordinances, resolutions, or proceedings pursuant to which the same were created or incurred, of their intention to redeem such indebtedness, and thereafter all interest on such indebtedness shall cease. For the purpose of paying or refunding such indebtedness, the said Board of Loan Commissioners is authorized from time to time to issue and sell in conformity with the provisions of this Act, bonds of the State of New Mexico of the series, character and description provided herein for the payment or refunding of such indebtedness.

Coupon Bonds Conversion by Owner for Registered Bond—Duty of Auditor; Effect of Registration—Transfer—Payment; Auditor Keep Record.

Sec. 21. Whenever the owner of any coupon bond issued pursuant to the provisions of this Act shall present such bond to the State Auditor with a request for the conversion of such bond into a registered bond, such State Auditor shall cut off and cancel the coupons of any such coupon bond so presented and shall stamp, print or write upon such coupon bond so presented either upon the back or the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter and from time to time, any such bond may be transferred by such registered owner in person or by attorney duly authorized, on presentation of such bond to the State Auditor and the bond again registered as before, a similar statement being stamped, printed or written thereon. Such statement stamped, printed or written upon any such bond may be substantially in the following form:

(Date: giving month, year and day.)

This bond is registered pursuant to the statutes in such case, made and provided in the name of (here insert name of owner) and the interest and principal thereof are hereafter payable to such owner.

.....
 State Auditor.

If any bond shall have been registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. The State Auditor shall enter in the register of said bonds kept by him pursuant to the provisions of this Act, or in a separate book, the fact of the registration of such bond and in whose names respectively, so that said register or book shall at all times show what bonds are registered and the name of the registered owner thereof.

Bonds Series "A"—Taxation for Interest, Principal—Duty of Taxing Officers—Taxes, How Levied.

Sec. 22. To provide for the payment of the interest and principal of any bonds issued pursuant to the provisions of this Act for the purpose of paying or refunding the debts and liabilities of the Territory of New Mexico, which bonds are known and designated herein as Series "A" bonds, there shall be and there is hereby imposed and levied during each year any of the said Series "A" bonds shall be outstanding on all property in the State of New Mexico which is subject to taxation for state purposes, an annual ad valorem tax sufficient to produce a sum equal to one year's interest on all bonds of said Series "A" then outstanding. In each year after the said Series "A" bonds shall have run for one-half of the time for which they are issued there shall be and there is hereby imposed and levied an annual ad valorem tax on all property in the State of New Mexico subject to taxation, sufficient to pay the principal of the said bonds at maturity and to produce a sum equal to not less than five per centum of the principal of any Series "A" bonds outstanding in the year for which such tax is imposed and levied. The taxes hereby authorized, imposed and levied shall be levied and assessed and collected in the same manner, at the same time, and by the same officers as the other taxes for state purposes and it shall be the duty of the proper State officers and of all assessors and local taxing authorities to levy, assess and collect the taxes hereby authorized and imposed in the same manner and at the same time as other taxes for State purposes are levied, assessed and collected.

Bonds—Series "B;" Taxation—Interest—Principal—Duty of Taxing Officers—How Levied; Proviso—Debts of Other Counties.

Sec. 23. To provide for the payment of any bonds issued

pursuant to the provisions of this Act for the purpose of paying or refunding the debts of the counties of the Territory of New Mexico which were valid and subsisting on June 20, 1910, (exclusive of the debts of the Counties of Grant and Santa Fe which were validated by Act of Congress of January 16, 1897,) which bonds are known and designated herein as Series "B" bonds, there shall be and there is hereby imposed and levied during each year any of said Series "B" bonds shall be outstanding on all taxable property in the respective counties whose debts are paid or refunded by said Series "B" bonds which is subject to taxation for state and county purposes, an annual ad valorem tax sufficient to produce in each county a sum equal to one year's interest on all bonds of said Series "B" issued to pay or fund the debts of such county and then outstanding. In each year after the said Series "B" bonds shall have run for one-half of the time for which they are issued there shall be and there is hereby imposed and levied an annual ad valorem tax on all property subject to taxation in each of the respective counties whose debts are so refunded, sufficient to pay the principal at maturity of the bonds issued for the purpose of paying or refunding the debts of such county and to produce a sum equal to not less than five per centum of the principal of any bonds issued for the debts of such county and then outstanding. The taxes by this section imposed and levied shall be levied, assessed and collected in the respective counties, in the same manner, at the same time, and by the same officers as the other taxes for State purposes and it shall be the duty of the proper State officers and of all assessors and local taxing authorities to levy, assess and collect in the respective counties and transmit to the State Treasurer, the taxes hereby authorized and imposed in the same manner and at the same time as other taxes for State purposes are levied, assessed, collected and transmitted in the said respective counties; provided, however, no county shall be required to pay any portion of the debt of any other county so assumed by the State under the provisions of the Constitution and the State officers and the local assessors and taxing authorities in making levies for taxes for the payment of the interest and principal of bonds designated as Series "B" shall not extend any levy therefor to any of the taxable property of any county for the payment or redemption of the debts of any other county assumed by the State.

Bonds—Series "C," Grant, Santa Fe Counties; Selection of Land—Sale—Rental—Application of Proceeds—Deficiency—Procedure—Excess—School Funds; Taxation—Sinking Fund—Repayment to Other Counties—How Levied; State Treasurer—Duties.

Sec. 24. To provide for the payment of any bonds issued pursuant to the provisions of this Act for the purpose of paying or refunding the bonds and accrued interest thereon of Grant and Santa Fe Counties, which were validated, approved and confirmed by Act of Congress of January 16, 1897, which bonds are known and designated herein as Series "C" bonds, the proper officers shall as soon as practicable select and locate the one million acres of land granted to the State by Congress for the purposes of providing means for the payment of the said bonds of said Grant County and said Santa Fe County and shall in the manner prescribed by an Act of Congress approved June 20, 1910, entitled "An Act to enable the people of New Mexico to form a Constitution and State Government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a Constitution and State government and be admitted into the Union on an equal footing with the original States," sell the said lands so granted or a sufficient portion thereof to pay the unpaid interest and principal of the said Series "C" bonds issued as provided in Article IX of the Constitution and this Act. The proceeds arising from rentals and from sales of said lands shall be kept in a separate fund and shall be applied to the payment of the interest and principal of the bonds of said Series "C," and at any time should there not be sufficient money in said fund to meet the interest and sinking fund requirements therefor, the deficiency shall be paid out of any funds of the State not otherwise appropriated and shall be repaid to the State or to any of the several counties thereof which may have furnished any portion thereof under a general levy from the proceeds subsequently received from rentals and sales of said lands. In case of such deficiency, the State Treasurer is hereby authorized and required to pay such deficiency out of any funds of the State in his hands not otherwise appropriated. All moneys received by the State from rentals and sales of said lands in excess of the amounts required for the purposes above mentioned, shall be paid respectively into the current and permanent school funds of the State. In each year until the said lands shall from rentals and sales produce

a sum sufficient to meet all interest on any Series "C" bonds then issued and outstanding which shall theretofore have accrued and in addition a sum equal to one year's interest to accrue thereafter, and also sufficient to meet all sinking fund requirements for the payment of the principal of said bonds, there shall be and there is hereby imposed and levied on all property in the State of New Mexico which is subject to taxation for state purposes, an annual ad valorem tax sufficient to produce a sum equal to one year's interest on all bonds of said Series "C" then outstanding and also sufficient to produce the annual sum required for the sinking fund for said bonds, and if any of the several counties shall have furnished any portion of said sums under said general levy, then such portion shall be repaid to any and all counties so furnishing the same, from the sale or rentals of said lands. The taxes by this section imposed and levied, shall be levied, assessed and collected in the same manner, at the same time and by the same officers as the other taxes for State purposes, and it shall be the duty of the proper State officers and of all local taxing authorities to levy, assess and collect the taxes hereby authorized and imposed in the same manner and at the same time as other taxes for State purposes are levied, assessed and collected. The State Treasurer shall keep separate accounts of any moneys collected and received from the respective counties under the tax by this section authorized for the payment of the interest of said Series "C" bonds and for the sinking fund thereof, and shall out of the proceeds of the rentals and sales of said granted lands, when sufficient for the purpose, repay to the several counties which may have furnished any portion of the said tax under the said general levy the amount so paid or contributed by the several counties. The proceeds arising from rentals and sales of said granted lands, so far as the same shall not be required for the payment of past due interest and principal of said Series "C" bonds, shall be held and retained in the said separate fund hereby created (which is hereby declared to be a sinking fund for the payment of the interest and redemption of the principal of said Series "C" bonds), until there shall be in said sinking fund a sum sufficient to provide for all future payments of principal and interest of said Series "C" bonds; provided, that after ten years from the date of said bonds the State Treasurer shall use such of said proceeds as may be from time to time available for that purpose in pay-

ing and retiring said bonds in the order of their number.

Bonds; State Treasurer Keep Separate Accounts—Invest Proceeds.

Sec. 25. The State Treasurer shall keep separate accounts of all the moneys of the various sinking funds for the payment and redemption of the bonds belonging to Series "A" and "B" and shall from time to time invest the said moneys, (first), in any of the bonds for the payment of which said funds are created at their market value; (second), in any other bonds of the State of New Mexico at their market value; (third), in any bonds of any county or city in the State of New Mexico at their market value, provided such bonds are payable from a tax upon all the taxable property in such city or county, and provided also, that said State, County and City bonds so purchased shall mature before the matutiry [maturity] of the bonds for which said sinking funds are created.

Mandamus to Compel Performance of Duties by Officers.

Sec. 26. Any holder of any of the debts and liabilities of the Territory of New Mexico and of the debts of the counties thereof which were valid and subsisting on June 20, 1910, and any holder of any of the bonds issued pursuant to the provisions of this Act and any person or officer being a party in interest, may either at law or in equity by suit, action or mandamus, enforce and compel the performance of the duties required by this Act of any of the officers or persons mantioned [mentioned] in this Act.

Bonds Under This Act Exempt From Taxation.

Sec. 27. All bonds issued under the provisions of this Act shall be exempt from taxation.

Contract—Provisions Hereof Constitute, With Bondholders; Bonds, Negotiable—Defects in Issuance, Not Invalidated—Bona Fide Holders, In Hands of Incontestable.

Sec. 28. The provisions of this Act shall constitute an ir-repealable contract with the holders of any bonds and the coupons thereof issued pursuant to the provisions hereof, for the full performance of which by the State and its officers, and by the respective counties and their officers, the full faith and credit of the State of New Mexico are pledged. This Act shall, without reference to any other act of the Legislature of New Mexico, be full authority for the issuance and sale of the bonds in this act authorized, which bonds shall have all the qualities

of negotiable paper under the law merchant and shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestable in the hands of bona fide purchasers or holders thereof for value. No proceedings in respect to the issuance of any such bonds shall be necessary, except such as are required by this Act.

Board Loan Commissioners—Powers—Employees.

Sec. 29. The Board of Loan Commissioners is authorized to employ such clerks, stenographers and accountants as may be required for the rapid and accurate discharge of its duties.

Militia Warrants—Act Excludes any Demand or Claim for, No Claim on, Considered by Board—

Sec. 30. This Act shall not be construed to in any manner, or for any purpose, include any claim or demand evidenced by or growing out of what is known as Militia Warrants, alleged to be outstanding against the Territory of New Mexico. Nor shall any claim be considered by said "Board of Loan Commissioners" of the State of New Mexico, which is evidenced by any writing known as Militia Warrants, or based thereon; and it is hereby specifically provided, that said "Board of Loan Commissioners" shall not consider such Militia Warrants, or any claim, or debt, or demand based thereon in settling the debts of the Territory of New Mexico, or any of the counties thereof assumed by the State of New Mexico, but such claims, demands or Militia Warrants, are hereby especially excluded from consideration by them.

CHAPTER 17.

AN ACT FIXING THE TIME FOR HOLDING THE TERMS OF THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF NEW MEXICO. *S. Sub. H. B. No. 124; Approved June 3, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

District Court, Terms of—First District; Santa Fe, San Juan, Rio Arriba Counties.

Section 1. That the regular terms of the District Court in the First Judicial District of this State, on and after the first

day of July, A. D., 1912, shall be held and commenced as follows:

In the County of Santa Fe, at the county seat of said county, commencing on the first Monday of March and the second Monday of September of each year.

In the County of San Juan, at the county seat of said county, commencing on the first Monday of April and the second Monday of October of each year.

In the County of Rio Arriba, at the county seat of said county, commencing on the first Monday of June and the third Monday of November of each year.

Process, Writs, Bonds—How Returnable—Effect.

Sec. 2. Every writ, summons, bond, recognizance, subpoena, venire, or other process whatever which has been or may be issued or taken out of or from the district court of either of said counties in said district returnable to a regular term of court, shall be returnable at the times and places designated in Section 1 of this act and shall have the same force and effect as if the same had been made returnable at the times and places mentioned in said Section 1 of this act.

Emergency; Act Effective upon Passage and Approval.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

CHAPTER 18.

AN ACT TO PROHIBIT THE DEPOSIT OF FILTH, ETC., ALONG ROADS OR NEAR INHABITED BUILDINGS. *S. B. No. 81; Approved June 3, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Highways; Depositing Filth, Etc., On or Near, Unlawful.

Section 1. That it shall be unlawful for any person to place or deposit any filth, litter, refuse, carcass, or any other matter

or thing, on, along, or near any road or highway over which people travel so that the same is or may become offensive or nauseous to persons being or traveling over, through or upon the said road or highway.

Inhabited Buildings; Depositing Filth, Etc. Near, Unlawful.

Sec. 2. That it shall be unlawful for any person to place or deposit any filth, litter, refuse, carcass, or any other thing, near any inhabited building so that the same is or may become offensive to persons in or about said building, or the premises adjacent thereto.

Violation Sections One or Two—Misdemeanor; Repeal Clause.

Sec. 3. That any person violating any of the provisions of either Section 1 or Section 2 hereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5.00, nor more than \$50.00, or by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment in the discretion of the court.

All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 19.

AN ACT FIXING THE TIME FOR HOLDING THE TERMS OF THE DISTRICT COURT IN THE EIGHTH JUDICIAL DISTRICT OF THE STATE OF NEW MEXICO. *S. B. No. 78; Approved June 3, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Terms Court, Eighth District; Colfax, Quay, Taos, Union Counties.

Section 1. That the regular terms of the District Court in the Eighth Judicial District of this State, on and after the first day of July, A. D. 1912, shall be held and commenced as follows:

In the County of Colfax, at the county seat of said county, commencing on the fourth Monday in March and the second Monday in November of each year.

In the County of Quay, at the county seat of said county, commencing on the first Monday of March, and the fourth Monday of September of each year.

In the County of Taos, at the county seat of said county, commencing on the third Monday in May and the third Monday in October of each year.

In the County of Union, at the county seat of said county, commencing on the third Monday in April and the first Tuesday in September of each year.

Process, Writs, Bonds—How Returnable—Effect.

Sec. 2. Every writ, summons, bond, recognizance, subpoena, venire, or other process whatever which has been or may be issued or taken out of or from the district court of either of said counties in said district returnable to a regular term of court, shall be returnable at the times and places designated in Section 1 of this Act and shall have the same force and effect as if the same had been made returnable at the time and places mentioned in said Section 1 of this Act.

Emergency; Act Effective upon Passage and Approval.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage.

CHAPTER 20.

AN ACT FIXING THE TIME FOR HOLDING THE TERMS OF THE DISTRICT COURT IN THE SIXTH JUDICIAL DISTRICT OF THE STATE OF NEW MEXICO. *S. SUB. S. B. No. 40; Approved June 3, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:
Terms Court, Sixth District; Grant and Luna Counties.

Section 1. That the regular terms of the district court in the Sixth Judicial District of the State of New Mexico shall hereafter be held and commenced, as follows: In the County of Grant, at the county seat of said county, commencing on the first Monday of March and the first Monday of September in each year. In the County of Luna, at the county seat of said

county, commencing on the fourth Monday of April and the fourth Monday of October in each year.

Process, Writs, Bonds—How Returnable—Effect.

Sec. 2. Every summons, subpoena, writ, venire or other process whatever, which has been or may be issued by, or any bond or recognizance which has been or may be filed in the said district court for any of said counties in said district, returnable to a regular term of said court, as now fixed by law, shall be returnable at the times and places designated in Section 1 of this act, and shall have the same force and effect as if made returnable at the times and places mentioned in said Section 1 of this act.

Repeal Clause.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 21.

AN ACT TO DECLARE WHAT SHALL BE THE EFFECT OF THE REPEAL OF A REPEALING STATUTE. *S. B. No. 111; Approved June 5, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Repeal of a Repealing Act—Effect.

Section 1. That whenever an Act is repealed, which repealed a former Act, such former Act shall not thereby be revived, unless it shall be expressly so provided.

Emergency; Act Effective upon Passage and Approval.

Sec. 2. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage.

CHAPTER 22.

AN ACT TO PROTECT ELECTRIC POWER TRANSMISSION LINES.
Amend. S. B. No. 58; Approved June 4, 1912.

Be It Enacted by the Legislature of the State of New Mexico:

Electric Current; Maliciously Interfering With—Misdemeanor.

Section 1. Any person who shall wilfully or maliciously affix, attach to, or connect with any electric power transmission line in the State of New Mexico any article or thing whereby leakage, or loss of electric current from said line shall or may be effected, and any person who shall wilfully or maliciously by any means cause leakage or loss of electric current from any such power transmission line, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail not more than thirty days, or by both such fine and imprisonment.

CHAPTER 23.

AN ACT TO PROVIDE A LIEN UPON LIVE STOCK FOR SERVICES OF STALLIONS, JACKS, BULLS, BOARS AND RAMS, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ACT. *H. B. No. 107; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Animals—Lien on for Service Stallion, Etc.; Record; Foreclosure.

Section 1. That owners of stallions, jacks, bulls, boars and rams, which are kept for the purpose of standing same in this State for profit, shall have a lien upon the animal or animals bred by contract by such stallion, jack, bull, boar or ram and the progeny of such stallion, jack, bull, boar or ram for the period of nine months from the birth of such progeny for the payment of fee or fees due for the services of such stallion, jack, bull, boar or ram, said lien to take preference over all other liens given after date of service by stallion, jack, bull, boar or ram; provided the owner of such stallion, jack, bull, boar or ram shall file in the office of the County Clerk of the

county in which such service is had, a description of such animal or animals served and such progeny, with the approximate date of the birth of such progeny, within three months after the birth of such progeny. Said lien may be foreclosed as chattel mortgages in this state at any time after filing such description.

Animals—Sale or Removal from State—Lien Stallion, Etc.—Misdemeanor.

Sec. 2. It shall be unlawful for the owner of any mare, jennett [jennet] cow, sow or ewe served by any stallion, jack, bull, boar or ram as mentioned in section one of this act, to sell such animal or animals or remove same from this state before the satisfaction of the lien created in said section one of this act, without having first obtained the written consent of the owner of said stallion, jack, bull, boar or ram, and such sale or removal shall constitute a misdemeanor and upon conviction thereof shall be punished by confinement in county jail not less than thirty days nor more than 60 days, or by fine not to exceed fifty dollars.

Animals; Lien—Priority.

Sec. 3. That the lien provided in section one of this act shall not take preference over subsequently acquired interest by sale or mortgage, provided such interest shall have been acquired before the lien statement described shall have been recorded.

CHAPTER 24.

AN ACT TO AMEND SECTION ONE OF CHAPTER 109 OF THE LAWS OF 1909 RELATING TO IRRIGATION DISTRICTS. *H. B. No. 183; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Irrigation District—Majority of Freeholders May Propose; Powers; Proviso—Exception.

Section 1. That Section One (1) of Chapter 109 of the Laws of 1909 be and same is hereby amended to read as follows:

“Section 1. Whenever a majority of the resident freeholders owning more than one half of the lands or the evidence of title to said lands in any district in the State of New Mexico, desire to provide for the irrigation of the same they may pro-

pose the organization of an irrigation district under the provisions of this Act and when so organized each district shall have the powers conferred by law, or that may hereafter be conferred by law upon such irrigation district. Provided, that where ditches, canals or reservoirs have been constructed before the passage of this Act, such ditches, canals, reservoirs, and franchises and the lands irrigated therefrom shall be exempt from the operation of this Act; except such district be formed to purchase, acquire, lease or rent such ditches, canals, reservoirs and their franchises; or unless a statement signed by at least four-fifths in number of the owners of any such ditch, canal or reservoir and of the franchises and water rights thereof and the lands irrigated therefrom be filed with the board or boards of county commissioners of the county or counties in which such ditch, canal, reservoir and lands are situate, giving their consent that such ditch, canal, reservoir, franchises, water rights and lands may be included in one or more irrigation districts, organized or to be organized under the provisions of this Act."

Acequias—Towns, Villages—Act Does Not Affect Voting Power, Etc.

Sec. 2. Nothing in this Act shall be construed to in any manner affect the rights of water users under community ditches in towns or villages in this state as to their voting power in determining whether any such ditch shall be included in an irrigation district, and each of said water users shall have the same right and voice in determining such question and in the signing of the statement provided for in Section One hereof as he has in the control and management of such ditch.

Repeal Clause.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 25.

AN ACT REGULATING THE CASING OF OIL AND GAS WELLS AND THE MODE OF PLUGGING THE SAME WHEN ABANDONED. *H. B. No. 110; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:
Wells—Oil, Gas—Mode of Casing.

Section 1. That the owner or operator of any well put down

for the purpose of exploring for and producing oil or gas shall, before drilling into the oil or gas-bearing rock, incase the well with good and sufficient casing, and in such manner as to exclude all surface or fresh water from the lower part of such well, and from penetrating the oil or gas-bearing rock. Should any well be put down through the first into a lower oil or gas-bearing rock, the same shall be cased in such manner as will exclude all fresh or salt water from both upper and lower oil or gas-bearing rocks penetrated.

Wells—Oil, Gas—Abandoning—Mode of Plugging.

Sec. 2. The owner of any well, when about to abandon or cease operating the same, for the purpose of excluding all fresh or salt water from penetrating the oil or gas bearing rocks, and before drawing the casing, shall fill the well with sand or rock sediment to the depth of ten feet above the top of each oil or gas bearing rock, and drive therein a round tapered, seasoned wooden plug at least two feet in length, and in diameter equal to the full diameter of the well below the casing, and immediately upon drawing the casing shall fill in on top of such plug with sand or rock sediment to the depth of five feet, and again drive into the well a round wooden plug three feet in length, the lower end tapering to a point and to be of the same diameter at the distance of eighteen inches from the smaller end as the diameter of the well above the point at which the casing rested and the plug is driven; and after such plug has been driven, the well shall be filled with sand or rock sediment to the depth of not less than twenty feet.

Wells—Oil, Gas—Abandoning—Failure to Plug, Civil Recovery—Idem.

Sec. 3. Whenever any person may be injured by the neglect or refusal to comply with the provisions of Section Two of this Act, it shall be lawful for such person, after notice to the owner, lessee or care taker of the premises upon which such well is located, to enter upon and fill up and plug such well in the manner herein provided, and thereupon to recover the expense thereof, from the person or persons whose duty it was to plug or fill up such well in like manner as debts of such amounts are recoverable, and shall have a lien upon the fixtures and machinery and leasehold interests of the owner or operator of such well.

Wells—Oil, Gas—Abandoning—Failure to Plug, Case—Misdemeanor.

Sec. 4. Any person, owner, driller, or operator violating the provisions of section one or two of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment, at the discretion of the court.

CHAPTER 26.

AN ACT FOR THE PROTECTION OF COMMUNITY ACEQUIAS. *H. B. No. 185; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:
Community Ditches—Point of Diversion, How Changed. Proviso.

Section 1. That it shall not be necessary for the officers of public community acequias established and in operation prior to March 19, 1907, to make any application to, or obtain any permit from, the Territorial Engineer or the board of water commissioners in order to change the place of diversion; provided that by such change no increase in the amount of water appropriated shall be made beyond the amount to which the acequia was formerly entitled.

Emergency; Act Effective upon Passage and Approval.

Sec. 2. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage.

CHAPTER 27.

AN ACT TO AMEND SECTION 2 OF CHAPTER 117 OF THE ACTS OF THE THIRTY-EIGHTH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW MEXICO. *S. B. No. 135; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Amending Sec. 2, Chap. 117, Laws 1909. Incorporated Villages—Requirements.

Section 1. That Section 2 of Chapter 117 of the Acts of the Thirty-eighth Legislative Assembly of the Territory of New Mexico, entitled "An Act providing for the incorporation of villages in the Territory of New Mexico," be, and the same is hereby, amended so as to read as follows:

"Sec. 2. That the territory embraced in the proposed incorporated village shall be not less than one mile square nor more than three miles square, nor shall any such village be incorporated unless the same shall contain at least one hundred and fifty people."

Repealing Clause.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 28.

**AN ACT TO PROVIDE FOR STATE LICENSE ON AUTOMOBILES. Amend.
S. B. No. 164; Approved June 8, 1912.**

Be It Enacted by the Legislature of the State of New Mexico:

Automobiles; State License Required—Exclusive—Tourists Exempt. Proviso.

Section 1. No person or persons, firm or corporation owning an automobile in this state shall be permitted to maintain or operate the same without first obtaining a state license as hereinafter provided. Such license shall be granted by the Secretary of State upon application therefor and the payment of the fees as herein specified, and shall be co-extensive with the state. Such licenses shall be numbered consecutively, and a record thereof kept, showing in each instance the name and address of the person to whom such license is granted. In addition to the license the Secretary of State shall furnish to the licensee one metal tag or plate bearing the initials 'N. M.' and the number corresponding to that of the license. Such tag or plate shall be securely attached to a conspicuous place on the rear end of such automobile. A duplicate of any such tag or plate may be issued by the Secretary of State to the person

to whom the original was issued, upon payment of a fee of one dollar.

The owner of an automobile licensed under this Act shall not be required to pay any other or additional license in any incorporated city, town or village in the State other than that in which such owner resides. Tourists passing through the state shall not be required to pay the license prescribed by this act unless they shall remain within the state for more than sixty days.

Automobiles; Operating Without or Destroying Evidence of License—Misdemeanor.

Sec. 2. Any person who shall maintain or operate an automobile without a tag or plate affixed thereto as herein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty (20) nor more than one hundred (100) dollars.

Any person other than the owner of an automobile licenses [license] under this Act who shall deface or destroy any such tag or plate, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five (5) nor more than fifty (50) dollars.

License Fee—Annual and Renewal—Amount—Application of Fund.

Sec. 3. The fee for a license under this Act shall be ten (10) dollars annually and shall be paid for each automobile by the owner thereof, and such license fee shall be in addition to the ordinary property tax. Upon payment of said fee of ten (10) dollars, the Secretary of State shall annually, within thirty (30) days from and after the first day of November, issue to such owner a renewal certificate which shall bear the same number as the original license. All license fees and the renewals thereof shall be paid to the Secretary of State on or before the first day of October in each year, and the said Secretary of State shall pay same over to the State Treasurer, who shall credit the amount thereof to the State Road Fund. PROVIDED: that an additional fee of one (1) dollar for the issuance of any such license and of fifty (50) cents for the annual renewal thereof shall be collected from each owner by the said Secretary of State. PROVIDED FURTHER: the said fee of one (1) dollar and the said renewal fee of fifty (50) cents, together with all fees hereinbefore provided for and required to be paid for duplicates of tags or plates issued by the Sec-

retary of State, and collected by him, shall be used for the purpose of defraying the expenses incident to the administration of this Act in the office of said Secretary of State, and any surplus at the end of the fiscal year shall be turned over to the State Treasurer and credited to said Road Fund.

Evidence—What is Prima Facie of Ownership.

Sec. 4. In any controversy respecting the identity or ownership or control of an automobile, the number borne by it shall be prima facie evidence that it was owned and operated by the person to whom the license therefor was issued. If a license for an automobile shall be issued to any person other than the owner, it shall be invalid and such automobile shall be deemed to be maintained and operated without a license.

Automobiles; Failure to Pay License Fee—Misdemeanor.

Sec. 5. Any owner of an automobile who shall fail to pay the fees as required by this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty (20) nor more than one hundred (100) dollars.

Automobiles—County Assessors Furnish List Owners.

Sec. 6. It shall be the duty of the Assessor of each county to report to the Secretary of State on or before the first of September in each year, on blanks to be prepared and furnished by the Secretary of State, the names of the owners of all automobiles listed by him in his county for taxation.

CHAPTER 29.

AN ACT TO PROVIDE FOR THE STUDY OF THE NATURE OF ALCOHOLIC DRINKS AND NARCOTICS AND OF THEIR EFFECTS UPON THE HUMAN SYSTEM. *S. Sub. S. B. No. 41; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Education—Effect of Alcoholic Drinks, Narcotics—Course Study.

Section 1. That the nature of alcoholic drinks and narcotics, and special instruction as to their effects upon the human system, in connection with the several divisions of the subject

of physiology and hygiene, shall be included in the branches of study taught in the public schools, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools, by the use of text books in the hands of pupils where other branches are thus studied in said schools, and by all the pupils in all said schools throughout the state.

State Educational Institutions, Institutes, Reform School—Act Applies to.

Sec. 2. Adequate time and attention shall be given to instruction in this branch of study in the state educational institutions, in the New Mexico Reform School at Springer and in all teachers' institutes, and competent lecturers on this subject shall be secured for teachers' institutes.

Officials—School; Duty to Enforce Act; Failure to Comply—Removal.

Sec. 3. That it shall be the duty of the proper officers in control of any school or institution described in the foregoing sections to enforce the provisions of this act; and any such officer, school director, superintendent, or teacher, who shall refuse or neglect to comply with the requirements of this act, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by this act, for all the pupils in each and every school or institution under his jurisdiction, shall be removed from office, and the vacancy filled as in other cases.

Public Schools—Teachers—Qualifications.

Sec. 4. That no certificate shall be granted to any person to teach in the public schools who has not passed a satisfactory examination to enable him to properly teach the branches of study provided for in this act.

Repeal Clause.

Sec. 5. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 30.

AN ACT DEFINING PUBLIC ROADS AND PROVIDING FOR INDEX BOARDS
AT THE FORKS OF ALL PUBLIC ROADS; AUTHORIZING THE EXPEN-
DITURES OF MONEY BY BOARDS OF COUNTY COMMISSIONERS

FOR PLACING SAID INDEX BOARDS; AND PROVIDING PENALTIES FOR THE DESTRUCTION THEREOF. *H. B. No. 90; Approved June 8, 1912:*

Be It Enacted by the Legislature of the State of New Mexico:

Public Roads; Sign Board; County Commissioners—Duties.

Section 1. It shall be the duty of the board of county commissioners of each county in this state to cause to be placed conspicuously and permanently at the forks of all public and main traveled roads in their respective counties, and at all such roads crossing or leading away from such public and main traveled road, metal index boards attached to metal posts; such metal index boards shall have printed thereon in letters of sufficient size to be easily read by travelers, with directions plainly marked thereon designating the most noted places to which each of such roads leads.

Sign Boards Removed—County Commissioners Replace.

Sec. 2. When an index board shall be removed or defaced the commissioners shall cause same to be immediately replaced.

Sign Boards; Expense.

Sec. 3. The expenses of erecting and replacing such index boards shall be paid out of the road fund.

Sign Boards—Defacing or Destroying—Misdemeanor.

Sec. 4. It shall be unlawful to deface, disfigure, destroy or otherwise in any manner interfere with any such index board, whether same be placed by public authority or by any citizen of the state. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five dollars nor more than twenty-five dollars, and in default of payment thereof shall be imprisoned for not less than five nor more than twenty-five days.

Repeal Clause.

Sec. 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 31.

AN ACT PRESCRIBING COMMISSIONS WHICH MAY BE CHARGED BY MONEY LENDERS AND LOAN BROKERS. *S. B. No. 130; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:
Commissions; Rate for Procuring Loans.

Section 1. That for negotiating or securing any loan, no person, association of persons, or corporation shall in any manner whatsoever charge, collect or receive in excess of the following amounts: upon any loan not exceeding five hundred dollars, four per cent; upon any loan exceeding five hundred dollars and not exceeding two thousand dollars, four per cent upon the first five hundred and three per cent upon the remainder; upon any loan exceeding two thousand dollars, four per cent upon the first one thousand dollars, and two per cent upon the remainder.

Violation of Act—Misdemeanor; Penalty; Civil Liability.

Sec. 2. That any person, association of persons or corporation violating this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not less than thirty nor more than ninety days, or by both such fine and imprisonment; and shall also be liable in damages to the party injured in double the whole amount so charged for negotiating or securing any such loan.

Repeal Clause.

Sec. 3. That all acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 32.

AN ACT TO PROVIDE AN APPROPRIATION FOR GAUGING THE STREAMS OF THE STATE OF NEW MEXICO INVESTIGATION FOR PUMPING OF UNDERGROUND WATERS, AND FOR ENCOURAGING IRRIGATION, AND PROVIDING FOR PENALTY FOR TAMPERING WITH

GAUGING INSTRUMENTS. *H. B. No. 77; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Appropriation, Irrigation—Measuring Flow of Streams—Reservoirs—Artesian Wells; State Engineer Supervise.

Section 1. That the sum of fifteen thousand dollars annually be and the same is hereby appropriated for the purpose of measuring the flow of the streams of the state in order to determine the location of permanent water reservoirs for irrigation purposes, and investigating the feasibility of supplying permanent reservoirs with water for irrigation purposes from artesian wells or pumping plants on state lands. Said money to be expended under the direction of the state engineer and to be paid on warrants of the auditor supported by proper vouchers signed by the state engineer, out of any monies in the treasury to the credit of the "Water Reservoirs for Irrigation Purposes Income Fund" not otherwise appropriated.

Irrigation; Injuring Stream Measuring Device—Misdemeanor.

Sec. 2. Any person who shall change, remove, destroy, injure or deface any gauge or device used by the State or United States officials to measure the flow of streams, or any part thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding one hundred and fifty dollars, or by imprisonment not more than fifty days. All fines shall be paid into the fund provided for maintenance of the gauges provided by this Act and therefrom the informer in each case shall be paid half of said fine, but in no case more than twenty-five dollars.

Repeal Clause.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 33.

AN ACT PROHIBITING BLACKLISTING. *H. B. No. 44; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Black-Listing—Prohibited—Proviso.

Section 1. It shall be unlawful for any person or persons,

firm or corporation employing labor in this State, after having discharged any person from service, to prevent or attempt to prevent by word, sign or writing of any kind whatever, any such discharged employe from obtaining employment from any person or persons, firm or corporation; Provided, that any employer mentioned in this act may give the true reasons either by writing or otherwise, for the discharge of any such employe.

Violation—Misdemeanor.

Sec. 2. Any employer of labor, its or his agent or employe who shall violate the provisions of this Act, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined for each offense not less than one hundred dollars, nor more than one thousand dollars.

Penalty—Civil Liability; Attorney Fees.

Sec. 3. Any person or persons, firm or corporation guilty of the violation of this Act, shall be liable in damages to the party injured to the amount of all the injury resulting to the person injured as the result of said wrongful act, and the said employer or employers of labor shall be liable to the said person so injured, for a reasonable attorney fee to be fixed by the court trying the cause, which attorney fee shall be taxed as part of the cost in the case.

Repeal Clause.

Sec. 4. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

CHAPTER 34.

AN ACT AUTHORIZING COUNTY COMMISSIONERS TO HAVE LANDS WITHIN THE COUNTY SURVEYED FOR THE BETTER RETURN OF TAXABLE PROPERTY AND PROVIDING FOR THE PAYMENT OF SUCH SURVEY. *H. B. No. 147; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Counties; County Commissioners—Survey; Taxation; County Treasurer—Duty.

Section 1. That the Board of County Commissioners of any County in this State is hereby authorized to have the lands of

the county, or any portion thereof, surveyed by the county surveyor or other surveyor deputed by him, under the direction and in accordance with the instructions of the Board of County Commissioners of such county. And the Board of County Commissioners of such county is hereby authorized to levy a tax annually of not to exceed two mills on the dollar, on all taxable property in such county, to provide a fund for the payment of such survey, such levy to be made at the same time as a levy is made for general county expenses; and all funds collected under such levy shall be kept separate by the County Treasurer, and shall be known as the "County Survey Fund," and shall be paid out under the direction of the Board of County Commissioners in the same manner as is now provided by law, and the said board is hereby authorized to purchase from any surveyor who may have heretofore made under the supervision of the county surveyor any such survey, the plats, maps and field notes thereof, and to pay for the same out of the fund hereby created.

Counties; Contracts Existing for Surveys—Validated.

Sec. 2. Any contract existing in any county before the passage of this Act for the survey of county lands, or any portion thereof, is hereby validated.

CHAPTER 35.

AN ACT APPROPRIATING FOURTEEN HUNDRED DOLLARS FOR THE PERMANENT IMPROVEMENT OF THE RIO GRANDE. H. B. No. 255; Approved June 8, 1912.

Be It Enacted by the Legislature of the State of New Mexico:

Appropriation—Rio Grande River—Socorro County.

Section 1. That the following amount is hereby set aside and appropriated out of moneys in the hands of the State Treasurer to the credit of the "Rio Grande Income Fund" and the "Improvement of the Rio Grande Permanent Fund" for the permanent improvement of the Rio Grande in the County of Socorro: The sum of fourteen hundred dollars (\$1,400).

Levee—Completion of—Socorro County; State Engineer—Supervision.

Sec. 2. The money so appropriated shall be used to aid in

the completion of the levee now in the process of construction on the Rio Grande at the town of San Antonio, in Socorro County, the work of construction to be under the supervision of the State Engineer, and the money hereby appropriated to be paid upon his order upon the warrant of the State Auditor.

Emergency; Act Effective upon Passage and Approval.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico that the provisions of this act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage.

CHAPTER 36.

AN ACT AUTHORIZING COMMISSIONERS OF COMMUNITY DITCHES TO GRANT IRRIGATION TO BLIND MEN OR THEIR WIDOWS. *H. B. No. 265; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Acequias—Powers Commissioners—Blind Persons—Free Irrigation—Proviso.

Section 1. That the commissioners of any community ditch in the State of New Mexico, shall have power according to their discretion if they deem it proper, to allow blind men or their widows to irrigate free of charge any portion of land not to exceed three acres. PROVIDED, that the parties to whom the privilege may be granted as herein stated, shall have an interest and water right in the ditch, and shall be subject to the use of the water as per the orders of the mayordomo or superintendent of the ditch.

CHAPTER 37.

AN ACT TO FIX THE TERMS OF OFFICE OF THE MEMBERS OF THE STATE BOARD OF EDUCATION OTHER THAN THE GOVERNOR AND

SUPERINTENDENT OF PUBLIC INSTRUCTION. *S. B. No. 188;*
Approved June 8, 1912.

Be It Enacted by the Legislature of the State of New Mexico:

State Board Education Members, Office—Term of.

Section 1. That the term of office of the members of the State Board of Education, required to be appointed by the Governor, shall be four years, and until their successors qualify, except that the term of such members first appointed shall expire on the second Monday of January after the next general election.

Repealing Clause.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 38.

AN ACT CREATING PROPERTY IN DOGS, CATS AND DOMESTICATED FOWL AND BIRDS, PROVIDING REMEDIES FOR THE ENFORCEMENT OF SUCH RIGHTS AND PROVIDING PUNISHMENT FOR INJURY OR DESTRUCTION OF SUCH ANIMALS. *S. Sub. S. B. No. 82; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Dogs, Cats, Fowls, Birds, Personal Property; Remedies.

Section 1. That dogs, cats and domesticated fowls and birds shall be deemed and considered as personal property, and all remedies given for the recovery of personal property and of damages for injuries thereto are hereby extended to them.

Dogs, Cats, Fowls, etc. Injuring or Destroying—Misdemeanor.

Sec. 2. Any person who shall wilfully and maliciously kill, maim, disfigure or injure any such dog, cat and domesticated fowl or bird, the property of another, or shall wilfully and maliciously administer poison to any such dog, cat or domesticated fowl or bird, or shall expose any poisonous substance with the intent that the same may be taken or swallowed by them, or shall negligently or carelessly expose any poisonous substance which shall be taken or swallowed by any such dog, cat, or domesticated fowl or bird, shall be deemed guilty of a

misdeemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than five hundred, or shall be imprisoned in the county jail for not less than ten days, nor more than six months, or shall suffer both such fine and imprisonment in the discretion of the court.

Repeal Clause.

Sec. 3. That all acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 39.

AN ACT PRESCRIBING PENALTIES FOR USE BY PRISONERS OF EXPLOSIVES OR DEADLY WEAPONS IN EFFECTING, OR ATTEMPTING TO EFFECT, ESCAPE FROM CONFINEMENT AND FOR AIDING ANY SUCH ATTEMPT. *S. Sub. S. B. No. 98; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Breaking Jail by Means of Explosive, Deadly Weapon; Felony.

Section 1. If any person, under arrest or conviction for any crime, shall, by the use of any explosive or deadly weapon, break jail or escape from any penal institution, jail, road camp, prison ranch, or other place of confinement within this state, or attempt so to do, shall, upon conviction thereof, be punished by imprisonment for not less than twenty-five nor more than fifty years.

Explosives, Deadly Weapons; Placing In or Near Jail for Escape—Felony.

Sec. 2. If any person shall take or carry, or cause to be taken or carried, any explosive or deadly weapon within the walls of any penal institution, jail, road camp, prison ranch, or within the vicinity thereof, or any other place used for the confinement of prisoners, with intent that such explosive or deadly weapon shall be used by any prisoner in an attempt to escape, shall, upon conviction thereof, be punished by imprisonment for not less than twenty-five nor more than fifty years.

Emergency; Act Effective upon Passage and Approval.

Sec. 3. That it is necessary for the preservation of the pub-

lic peace and safety of the inhabitants of the State of New Mexico, that the provisions of this act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

CHAPTER 40.

AN ACT FIXING THE NAME OF THAT CERTAIN WATER COURSE IN GRANT COUNTY, N. M., COMMONLY KNOWN AS WHISKY CREEK, AS RIO DE ARENAS. *S. B. No. 127; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Whiskey Creek; Change of Name to Rio de Arenas.

Section 1. That the name of that certain water course in Grant County, New Mexico, heading in Township 17 South, Range 13 West, N. M. P. M., flowing through Townships 17, 18 and 19 South, Range 13 West, N. M. P. M., and emptying into what is known as the Silver City Draw in Township 19 South, Range 13 West, in said county, and commonly known as Whisky Creek, is hereby fixed and established as Rio de Arenas.

Repeal Clause.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 41.

AN ACT TO ENCOURAGE THE INSTRUCTION IN THE HISTORY AND CIVICS OF THE UNITED STATES WITH SPECIAL REFERENCE TO THE HISTORY AND CIVICS OF THE STATE OF NEW MEXICO. *Amend. S. B. No. 169; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Teachers; Qualifications—History and Civics; Certificate.

Section 1. That hereafter no teacher of the first and second grades shall be granted a certificate to teach, by the Board of

Education of the State of New Mexico, unless said teacher shall have passed a satisfactory examination in the History and Civics of the United States, as well as in the History and Civics of the State of New Mexico.

Teachers, Public Schools; Duty to Teach History.

Sec. 2. It shall be the duty of the teachers in the public schools in the State to give such instruction as is practicable in the History and Civics of the United States with special reference to the History and Civics of the State of New Mexico, which said instruction may be given orally or by study of text books covering the subject and which said text books shall have been adopted by the State Board of Education.

History New Mexico; Character; Board Education Fix Price.

Sec. 3. The said History and Civics of the State of New Mexico shall be prepared by a known historian of the State and shall be sold at a price to be fixed by the State Board of Education not to exceed one dollar per volume.

Act in Force and Effect—When.

Sec. 4. This Act shall be in full force and effect from and after the time prescribed by the Constitution of New Mexico.

CHAPTER 42.

AN ACT TO PROVIDE FOR THE PROSECUTION OF CRIMINAL OFFENSES WHEN AN INDICTMENT HAS BEEN LOST, MISLAID OR DESTROYED OR ADJUDGED TO BE DEFECTIVE, AND TO ENLARGE THE STATUTORY PERIOD OF LIMITATION IN SUCH CASES. *S. B. No. 190; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:
Indictment Lost—Prosecution Not Discontinued—Proviso.

Section 1. When an indictment is lost, mislaid or destroyed the prosecution of the case shall not for that reason be discontinued, provided that a copy of the said indictment can be supplied, together with evidence satisfactory to the court, that it is a true and correct copy; but the prosecution shall be continued and such copy may be used with the same effect as the original indictment.

Indictment Lost, Defective, Dismissal—New Indictment—Limitation—Proviso.

Sec. 2. When an indictment is lost, mislaid or destroyed, or when the judgment is arrested, or the indictment quashed, for any defect therein, or for the reason that it was not found by a grand jury regularly organized, or because it charged no offense, or for any other cause, or when the prosecution is dismissed because of a variance between the allegations of the indictment and the evidence, and a new indictment is thereafter presented, the time elapsing between the preferring of the first charge or indictment and the subsequent indictment shall not be included in computing the period limited for the prosecution of the offense last charged, provided that the offense last charged is based upon, or grows out of, the same transaction upon which the first indictment was founded.

Emergency; Act Effective upon Passage and Approval.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

CHAPTER 43.

AN ACT PROVIDING FOR THE TIME OF ELECTION, AND FIXING THE NUMBER OF MEMBERS OF THE BOARD OF EDUCATION IN INCORPORATED CITIES. *S. Sub. S. B. No. 94; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Board Education, Cities; Number Members; Qualifications; Election.

Section 1. That the board of education in each incorporated city shall consist of five members, who shall have the qualifications provided by law for members of boards of education in such cities, and who shall be elected at large from such city, except as hereinafter provided.

Board Education; Election; Term Office.

Sec. 2. The qualified electors of such city and of the terri-

tory outside of said city attached thereto for school purposes, shall, on the first Tuesday of April, in the year 1913, elect five members of the Board of Education, two of whom shall hold this office for a term of two years and three of whom shall hold their office for a term of four years, and thereafter a regular election of members succeeding those whose terms expire, shall be held on the first Tuesday of April of each odd numbered year.

Board Education; Election; What Law Applicable.

Sec. 3. The election herein provided for shall be held, the returns thereof made and canvassed, and the certificates of election issued in accordance with the laws applicable to elections of officers of incorporated cities, except that no registration shall be required.

Repeal Clause.

Sec. 4. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 44.

AN ACT TO PROHIBIT THE ELECTION OR APPOINTMENT TO OFFICE, OR THE APPOINTMENT OR EMPLOYMENT AS A DEPUTY OR ASSISTANT TO ANY PUBLIC OFFICER, OF ANY PERSON CONVICTED OF A FELONIOUS OR INFAMOUS CRIME UNLESS SUCH PERSON HAS BEEN PARDONED OR RESTORED TO POLITICAL RIGHTS. *S. B. No. 147; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Public Office—Conviction of Crime—Disqualification to Obtain—Proviso.

Section 1. That no person convicted of a felonious or infamous crime, unless such person has been pardoned or restored to political rights, shall be qualified to be elected or appointed to any public office in this State.

Public Officials Employing Person Convicted of Crime—Misdemeanor.

Sec. 2. It shall be unlawful for any state, county, district, or municipal officer to appoint, employ, or retain as a deputy or assistant any person convicted of a felonious or infamous crime, unless such person has been pardoned or restored to political

rights; and any public officer who shall knowingly violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine of not less than one hundred dollars nor more than five hundred dollars and, in addition to such punishment, shall be removed from office in accordance with the provisions of Chapter 36 of the Session Laws of New Mexico of 1909.

Repeal Clause.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

CHAPTER 45.

AN ACT PROVIDING FOR LOCATING AND MARKING DISPUTED BOUNDARY LINES BETWEEN ANY OF THE SEVERAL COUNTIES OF THE STATE. *Amend. S. B. No. 180; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

County Boundaries—Dispute—Proceedure.

Section 1. That whenever the location of the boundary line between two or more counties is in dispute such controversy shall be settled by a boundary commission consisting of the chairman of the Board of County Commissioners and County Surveyor of each of the counties affected by such dispute and the district attorney of the district in which such counties are situate.

If such counties are in more than one judicial district, the district attorney of each district shall be a member of such commission.

Boundary Commission—Duties—File Survey.

Sec. 2. It shall be the duty of such boundary commission to cause a joint survey to be made of such boundary line according to the description thereof in the statutes and to have such line plainly marked by suitable monuments set at convenient intervals and to cause a plat and field notes of such survey to be filed in the office of the county clerk of each of said counties. Such plat and field notes shall be signed and certified by the members of the boundary commission as the official plat and field notes of said boundary line as located by the commission.

District Attorney—Duty—Compensation of Commission—Expense.

Sec. 3. The district attorney or district attorneys as the case

may be, shall call a meeting of the commission to arrange for making such joint survey.

The officers serving on such boundary commission shall receive no additional compensation for such services. The expense incurred by the commission for transportation, subsistence and the necessary assistants and employes shall be borne share and share alike by the several counties interested, to be paid upon warrants drawn by the several boards of county commissioners.

Boundaries Uncertain—Survey—Report to Governor.

Sec. 4. If for any reason the joint boundary commission be unable to locate the boundary line according to the description thereof in the statutes, the commission shall cause to be surveyed and marked a line corresponding as nearly as possible to the boundary line so described and shall forward a report accompanied by a plat and field notes of such survey to the Governor to be by him submitted to the legislature at its next session.

CHAPTER 46.

AN ACT TO PREVENT THE FURNISHING TO PRISONERS OF STIMULANTS, OPIATES OR OTHER DRUGS. *S. B. No. 97; Approved June 8, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Opiates, Drugs; Furnishing to Prisoners; Proviso—Felony.

Section 1. If any person or persons shall sell or give to any person confined in a jail, penal institution, road camp or prison ranch, or other place of confinement within this State, or shall send by mail, express or otherwise to any such person so confined, any morphine, cocaine, whiskey or other drug or form of liquor of any character whatever, except upon the prescription or order of a regularly licensed and employed physician, upon conviction shall be punished by confinement in the penitentiary for a term of not less than one year nor more than seven years.

Emergency; Act Effective upon Passage and Approval.

Sec. 2. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this act shall become effective at the earliest possible time, and therefore an emergency is hereby de-

clared to exist, and this act shall take effect and be in full force and effect from and after its passage.

CHAPTER 47.

AN ACT CEDING TO THE UNITED STATES EXCLUSIVE JURISDICTION OVER CERTAIN LANDS ACQUIRED FOR PUBLIC PURPOSES WITHIN THIS STATE, AND AUTHORIZING THE ACQUISITION THEREOF. *H. B. No. 168; Approved June 10, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

United States—Jurisdiction—Lands—Public Purposes—Buildings; Consent New Mexico.

Section 1. That the consent of the State of New Mexico is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in this State required for sites for custom houses, courthouses, postoffices, arsenals, or other public buildings whatever, or for any other purposes of the government.

United States—Jurisdiction; Service Process, Civil, Criminal—State—

Sec. 2. That exclusive jurisdiction in and over any land so acquired by the United States shall be, and the same is hereby, ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this State; but the jurisdiction so ceded shall continue no longer than the United States shall own such lands.

United States—Jurisdiction Vested—When; Taxation—Exemption.

Sec. 3. The jurisdiction ceded shall not vest until the United States shall have acquired the title to said lands by purchase, condemnation, or otherwise; and so long as the said lands shall remain the property of the United States when acquired as aforesaid, and no longer, the same shall be and continue exempt and exonerated from all State, county, and municipal taxation, assessment, or other charges which may be levied or imposed under the authority of this State.

Emergency; Act Effective upon Passage and Approval.

Sec. 4. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

CHAPTER 48.

AN ACT MAKING PROVISIONS FOR THE DETERMINATION OF THE BOUNDARY BETWEEN THE STATE OF NEW MEXICO AND THE STATE OF TEXAS WITHIN THE VALLEY OF THE RIO GRANDE.
Amend. S. B. No. 66; Approved June 10, 1912.

Whereas in and by the Constitution of the State of New Mexico the boundaries of said state are declared in part to be as follows:

“Beginning at the point where the thirty-seventh parallel of north latitude intersects the one hundred and third meridian west from Greenwich; thence along said one hundred and third meridian to the thirty-second parallel of north latitude; thence along said thirty-second parallel to the Rio Grande, also known as Rio Bravo del Norte, as it existed on the ninth day of September, One Thousand Eight Hundred and Fifty; thence following the main channel of said river, as it existed on the ninth day of September, One Thousand Eight Hundred and Fifty, to the parallel of thirty-one degrees forty-seven minutes north latitude;” and

Whereas the channel of the Rio Grande as the same existed on the ninth day of September, One Thousand Eight Hundred and Fifty has become obscure and not readily ascertainable by reason of changes in the course of said river occurring since the year One Thousand Eight Hundred and Fifty; and

Whereas large tracts of land said to be within the boundaries of said state are by reason of such obscurity in dispute between the citizens of the state of New Mexico and citizens of the State of Texas, resulting in much litigation of an inconclusive character; and

Whereas the public interest requires that the boundary be-

tween the State of New Mexico and the State of Texas within the valley of the Rio Grande should be determined at the earliest possible moment: **THEREFORE**

Be It Enacted by the Legislature of the State of New Mexico:

Boundaries—State; Attorney General—Governor Instruct Proceedings.

Section 1. That the Governor shall direct the Attorney General of the State of New Mexico be and he is hereby authorized and directed to take such steps as may be necessary to determine the said boundary and to that end to institute and prosecute any suit or suits in the proper tribunal that may be necessary to procure the final adjudication of the said matter.

Appropriation—Boundaries; Attorney General.

Sec. 2. That the sum of two thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated, out of any monies of the state, except monies reserved for payment of interest on the public debt, for the purpose of investigating the said boundary and prosecuting such suit or suits as may be necessary to determine said boundary; said sum to be expended under the order and direction of the Attorney General, who shall render to the State Auditor itemized accounts of all expenditures under this act, accompanied by receipts signed by the person or persons so paid.

Emergency; Act Effective upon Passage and Approval.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

CHAPTER 49.

AN ACT RELATIVE TO PUBLICATIONS. *S. Sub. S. B. No. 11; Approved June 10, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Publication—Tax List—Legal Rate.

Section 1. That the legal rate for the publication of delin-

quent tax lists shall be not to exceed eight cents per line of eight point type for the first insertion and five cents per line of such type for each subsequent insertion.

Publication—All Matters Required to be—Legal Rate.

Sec. 2. That the legal rate for the publication of all notices and other matters required by law to be made shall be thirty (30) cents per hundred Ems of the type in which the notice or publication is set for the first insertion thereof, and twenty (20) cents per hundred ems of the type in which the notice or publication is set for each subsequent insertion.

Publisher—Exacting Excess Legal Rate—Misdemeanor.

Sec. 3. Any publisher of any newspaper who shall charge or exact rates higher than those herein specified shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than one hundred dollars, nor exceeding five hundred dollars.

Publication—Tax List—Times of and When.

Sec. 4. Delinquent tax lists shall hereafter be published but once each year; such publications shall commence on the second day of January.

Publication—Tax List—All Legal Notices; Language; Newspaper; When Complete; Posting Notices.

Sec. 5. Delinquent tax lists, and all legal notices in connection with suits in district courts, including notices of sales of property by virtue of any execution, decree or other process issued out of such courts, and as to matters pending in probate courts which are now, or hereafter may be, required by law to be published, shall be published in the English language in some newspaper of general circulation published in the county wherein such publication is required once each week for four successive weeks. If such publication shall be notice of the pendency of a suit in a district court, the last insertion shall be at least twenty days before the date on or before which the defendant is notified to appear. In all other cases the last insertion shall be at least three days before the date fixed in such notice for the taking of the action concerning which the publication is made. Delinquent tax lists shall be published in the official newspaper. In case there be no newspaper published in the county where such publication is required, then publication shall be made by posting notices in at least six conspicuous places within the county

for and during the period of time specified in case of newspaper publication.

Publication—Proceedings of State, District, County, City Boards and Officers—Language—Times of.

Sec. 6. All publications of proceedings of boards of county commissioners, city and town councils, boards of trustees, boards of education or school directors and of all other officers of any county, municipality, district or other sub-division of the state, which are required by law to be made shall be published once only in the English language.

Publication—Corporations—Language—Times of; Proviso.

Sec. 7. Articles of Incorporation and other matters pertaining to corporations, required by law to be published, shall be published twice only in the English language. Provided: no corporation organized for religious, charitable, benevolent or scientific purposes or for mutual benefit and not for pecuniary profit, shall be required to publish its Articles of Incorporation.

Publication—Insurance Companies—Financial Condition (Annual)—Language.

Sec. 8. Every fire and life insurance company doing business in the state shall annually publish once only in the English language in some newspaper of general circulation in each county in the state, a statement of the financial condition of such company.

Publication—Spanish, English Newspaper—What is; In Spanish; Proviso.

Sec. 9. Except as otherwise provided in this act, in counties wherein there is published a newspaper of general circulation at least thirty per cent of the reading matter of which is in the Spanish language, publications referred to in this act, required by law to be made shall likewise be published in the Spanish language in such newspaper. Provided: in all legal proceedings wherein no party to the record is a Spanish-American, publication in the Spanish language shall be unnecessary.

Publication—District—Counties — Cities — Villages — What Fund Payable; Proviso.

Sec. 10. All publications required to be made by any county or incorporated city, town or village, or by any board of education or school directors, or by any officer thereof, shall be paid for out of the general fund of such county, city, town or village.

Provided: that the cost of such publications pertaining to school matters shall be paid out of school funds.

Repeal Clause; Proviso.

Sec. 11. That Section four thousand and seventy-seven (4077) of the Compiled Laws of New Mexico of 1897 and Chapter Seventy-nine (79) of the Acts of the Thirty-eighth Legislative Assembly of New Mexico entitled, "An Act Relative to the Publication of Legal Notices; and other matters wherein publication is required; regulating the price to be charged therefor and providing a penalty; repealing certain sections of the Compiled Laws of New Mexico of 1897 and for other purposes," approved March 17, 1909, and Chapter Eighty-five (85) of the Acts of the said Thirty-eighth Legislative Assembly entitled "An Act to amend section one hundred and thirty-five (135) of Chapter seventy-nine (79) of the laws of the Thirty-sixth Legislative Assembly and for other purposes," approved March 18, 1909, and all acts and parts of acts in conflict herewith, are hereby repealed, and this act shall not be construed as reviving or re-enacting sections two thousand six hundred and eleven (2611) to two thousand six hundred and sixteen (2616) inclusive of the Compiled Laws of New Mexico of 1897 which were specifically repealed by said Chapter Seventy-nine (79) of the laws of 1909. Provided: this act shall not affect any publication being made at the time of the passage hereof.

Emergency; Act Effective upon Passage and Approval.

Sec. 12. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

CHAPTER 50.

AN ACT TO AMEND SECTION 1 OF CHAPTER 141 OF THE ACTS OF THE THIRTY-EIGHTH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW MEXICO OF 1909. *S. B. No. 57; Approved June 10, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Corporations; Organization, Gas, Electric, Under General Laws.

Section 1. That Section one of Chapter 141 of the Acts of

the 38th Legislative Assembly of the Territory of New Mexico of 1909, be, and the same is hereby amended so as to read as follows: Corporations for the generation, production, transmission, distribution, sale or utilization of gas, electricity, or steam for lighting, heating, power, manufacturing or other purposes may be organized under the general incorporation laws of this state.

Repeal Clause.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 51.

AN ACT REGARDING THE REVENUES FOR THE PUBLIC SCHOOLS, AND
REPEALING SECTION 25 OF CHAPTER 97, LAWS OF 1907. *Amend.*
S. B. No. 172; Approved June 10, 1912.

Be It Enacted by the Legislature of the State of New Mexico:

Public Schools; Taxation; County Commissioners Make Levy.

Section 1. That the Board of County Commissioners of each county shall annually levy and collect a tax of one-half of one mill on the dollar upon all the taxable property in the county for the maintenance of the public schools, the proceeds whereof shall be paid over to the state treasurer as are other state taxes and shall be added to the current school fund.

Public Schools; State Treasurer—Duties; Superintendent Public Instruction.

Sec. 2. That on the first Monday of March, June, September and December in each year, the State Treasurer shall credit one-half of the current school fund to a separate fund to be known as the reserve fund which shall be used for the maintaining of a school for the full period of five months. The treasurer shall make a complete statement of all the monies in said current school and reserve funds and certify the same to the Superintendent of Public Instruction.

Public Schools; State Superintendent Appropriation Fund—Report.

Sec. 3. Within twenty days thereafter, the said Superintendent shall make an apportionment of the money in the said current school fund among the several counties prorata according

to the enumeration of children of school age in each county, as shown by the latest returns from the county superintendent of schools and shall certify the apportionment for each county to the state treasurer and auditor and to the treasurer and superintendent of schools in each county, and the said auditor shall draw his warrant on the state treasurer in favor of the proper county treasurer for the amount apportioned to his county, and said money shall become a part of the general county school fund, and shall be apportioned as other monies in said fund.

Public Schools; Reserve Fund—Distribution; "District or School District"—What Include.

Sec. 4. That the reserve fund described in Section 2 of this Act shall be distributed among school districts in which the income from the annual special school tax of fifteen mills plus the regular apportionment from the county general school fund shall not be sufficient for the maintaining of school for the full period of five months, and the reserve fund shall be so distributed among such districts as to enable each district to hold school for the said period. That for the purpose of this act the words, "district or school district" shall include cities, towns, and villages, and districts outside of such municipalities.

Public Schools; Income Insufficient—Procedure; Proviso.

Sec. 5. Whenever the income of a school district as hereinbefore set forth is not sufficient for the maintaining of a school for the full term of five months, the county superintendent of schools of the county, in which such district is situated, shall furnish the state superintendent with evidence satisfactory to him of the existence of such fact. Upon being satisfied thereof the state superintendent shall make requisition upon said reserve fund through the state auditor in favor of the treasurer of said county, to be by him credited to the proper school district, for such amount as will be sufficient together with such income for the maintaining of a school for the full term of five months in said district. Provided, however, that for the purpose of this act the amount which any school district shall expend for maintaining a school for the full term of five months shall not exceed the sum of three hundred dollars for each school room, and that for the purposes of this act, no school district shall be entitled to more than one school room for each fifty children of school age or fraction thereof in such district.

At the end of each fiscal year, the state treasurer shall return

the balance remaining in said reserve fund to the current school fund.

Public Schools; Directors, Boards Education—Powers—Buildings, Etc.

Sec. 6. The school directors of each school district and the boards of education of cities, towns, and villages, whether incorporated under general or special law, shall have power and are hereby required to provide by purchase or lease suitable school houses, to keep said school houses in repair, to provide same with necessary furniture and fuel, to provide for the payment of teachers' wages and interest on school bonds and for the redemption thereof, and defray all other contingent expenses connected with the proper conduct of the public or common schools.

Public Schools; Directors, Boards Education—Certify Estimated Expense to County Commissioners.

Sec. 7. It shall be the duty of such school directors and boards of education on or before the first day of June in each year to make and certify to the board of county commissioners of their respective counties an estimate of the amount of funds necessary for such purposes for the ensuing year.

Public Schools; Taxation—County Commissioners Levy to Cover Estimated Expense; Proviso; County Treasurer—Duty.

Sec. 8. The board of county commissioners of each county shall annually at the time of levying other taxes levy a special school tax upon all the taxable property in each of such districts, including the territory attached to any such district for school purposes, which, together with the other revenues provided by law, will be sufficient to produce the amount required for such purposes as stated in such estimate. In case said board shall disapprove such estimate or in case the school directors of any district or any board of education fail to make an estimate, the board of county commissioners shall levy such special school tax for such district as in its opinion will be sufficient to provide the necessary funds for the purposes specified in section 6 hereof: Provided, that the special school tax which may be levied in accordance with the provisions of this act shall not exceed fifteen mills in districts other than incorporated cities, towns and villages, and twenty mills in such cities, towns and villages.

The proceeds of such special school tax for such cities, towns and villages shall be paid to the treasurers of the several boards of education. The county treasurer shall take duplicate receipts

therefor, one of which he shall file in his office and the other he shall transmit to the clerk of the proper board of education.

The proceeds of such special school tax for school districts other than incorporated cities, towns and villages shall be credited by the county treasurer to the respective school districts.

Public Schools; Taxation—County Commissioners Levy; Fund.

Sec. 9. To further provide the necessary funds for the conduct of the public schools of the county, the board of county commissioners shall annually on or before the first day of August in each year, levy a general county school tax of three mills on the dollar upon all the taxable property of the counties to be assessed and collected as other taxes are assessed and collected. The proceeds of this levy shall be placed to the credit of the general county school fund.

Public Schools; Sinking Fund; Surplus—How Applied.

Sec. 10. Any surplus in the sinking fund of any school district may be applied by the directors of said district to the building of addition [al] school houses or to the enlargement of their present school buildings.

Repeal Clause.

Sec. 11. That Section 25 of Chapter 97 of the Laws of 1907 and Chapter 125 of the Laws of 1909 and all acts and parts of acts in conflict herewith are hereby repealed.

Emergency; Act Effective upon Passage and Approval.

Sec. 12. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

CHAPTER 52.

AN ACT TO EMPOWER THE STATE BOARD OF EDUCATION TO PRESCRIBE AND ADOPT A COURSE OF STUDY IN INDUSTRIAL EDUCATION FOR THE PUBLIC SCHOOLS AND REQUIRE ITS TEACHING IN SAID SCHOOLS, AND FOR THE APPOINTMENT BY THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION OF A STATE DIREC-

TOR OF INDUSTRIAL EDUCATION, AND DEFINING THE DUTIES OF SUCH DIRECTOR AND PROVIDING FOR COMPENSATION. *Amend. S. B. No. 187; Approved June 10, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:
State Board Education; Powers; Industrial Course.

Section 1. That the State Board of Education is hereby empowered to prescribe and adopt a Course of Study in Industrial Education, including domestic science, manual training and agriculture, and make such necessary rules and regulations for its teaching in the public schools. In the preparation of the Institute Manuals for the coming year, the State Board of Education may include a course of study in Industrial Education and may require all teachers attending County Institutes and summer Normal Schools to pass an examination in one or more of the branches of industrial education.

State Industrial Director—Appointment, Duties.

Sec. 2. That the State Superintendent of Public Instruction is hereby empowered and directed to appoint a State Director of Industrial Education, who shall be proficient in the several branches of such education, and who shall, under the direction and supervision of the State Superintendent, have the general charge of the introduction and keeping of industrial education in such of its branches and in such of the public schools of the state as shall be deemed advisable by the State Superintendent and the said Director of Industrial Education, and the said Director shall perform such other duties as may be prescribed by the State Superintendent.

Industrial Director—Salary, How Paid.

Sec. 3. That said Director of Industrial Education shall receive an annual salary of one thousand dollars, payable in like manner as is provided for the payment of the salary of the State Superintendent of Public Instruction, and shall further received [receive] as a part of the salary of said office the sum of thirty dollars from all counties of class "A," the sum of twenty-five dollars from all counties of class "B" and the sum of twenty dollars from all counties of class "C," "D" and "E," said above sums to be set apart by each of the county treasurers in like manner as county institute funds are now provided to be set aside and under like conditions; provided, the said coun-

ty sums are only to be paid said State Director of Industrial Education by said County Treasurer, upon said Director's visiting and instructing in the various counties in industrial education.

Expense of Investigation, Report—How Paid.

Sec. 4. That, to the end that said Director of Industrial Education may visit the public schools so far as possible, make investigation of school conditions and report same to the State Superintendent of Public Instruction, together with recommendations as to the introduction and teaching of industrial education, an annual appropriation of Six Hundred Dollars, or such part thereof as may be required, is hereby made for traveling expenses in visiting schools and supervising the introduction and teaching of industrial education in said schools payable upon presentation of certified vouchers, duly approved by the State Superintendent of Public Instruction, and warrants drawn by the State Auditor upon the State Treasurer.

Repeal Clause.

Sec. 5. All acts and parts of acts in conflict with this act are hereby repealed.

Emergency; Act Effective upon Passage and Approval.

Sec. 6. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage.

CHAPTER 53.

AN ACT PROVIDING FOR TEN DAYS ADDITIONAL GOOD TIME PER MONTH FOR STATE CONVICTS WHO ARE WORKING AS MECHANICS, ACTING AS FOREMEN, TRUSTIES, AND OTHERS WHO WORK OUTSIDE OF THE WALLS OF THE STATE PENITENTIARY. *S. B. No. 96; Approved June 10, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Convicts; Time Allowance for Good Conduct.

Section 1. That all State convicts confined in the State Pen-

itentiary who are of good conduct and who work as mechanics, foremen, assistant store-keeper, trustees, and others who work outside of the walls of the Penitentiary, shall receive in addition to the regular good time, ten (10) days per month additional while working as mechanics, foremen, store-keeper, or trusty or while working outside of the walls of the Penitentiary.

Repealing Chap. 45, Laws 1909.

Sec. 2. That chapter 45 of the Acts of the Thirty-Eighth Legislative Assembly of the Territory of New Mexico, approved March 17, 1909, be, and the same is hereby repealed.

CHAPTER 54.

**AN ACT RELATING TO PUBLIC HIGHWAYS AND BRIDGES. S. B.
No. 163; Approved June 10, 1912.**

Be It Enacted by the Legislature of the State of New Mexico:
State Highway Commission.

Section 1. The Territorial Roads Commission created by section 1, chapter 42 of the Laws of the Thirty-eighth Legislative Assembly of the Territory of New Mexico entitled "An Act to establish a Territorial Road Commission; to provide for a system of public highways in the Territory of New Mexico, and for other purposes," approved March 16, 1909, shall hereafter be known as the State Highway Commission.

State Highway Commission; Powers, Duties—Additional.

Sec. 2. In addition to the powers and duties of said Commission, as prescribed by said act, the Commission shall have charge of all matters pertaining to the expenditure of the State Road Fund in the construction, improvement and maintenance of public roads and bridges in the state and shall do all things necessary and expedient in the exercise of such supervision.

The Commission shall also have authority to employ, remove and fix the salaries of engineers, experts, clerks, stenographers and temporary employes as may be necessary to carry on its work, and may assign such duties and delegate such authority to employes as it shall deem advisable. The employes of

the Commission shall receive from the state their actual and necessary expenses when traveling on business for the Commission. Said State Highway Commission shall also make rules and regulations governing the method of construction, improvement and maintenance of such highways and bridges as may receive aid from the state, and compel compliance with the laws, rules and regulations relating to such public roads and bridges by road officials, and see that the same are carried into full force and effect; and shall at all times aid in promoting public road improvement throughout the state, and perform such other duties and have such other powers in respect to public roads and bridges as may be imposed or conferred by law.

State Highway Commission. Villages, Counties—Advise; Highways—Construct

Sec. 3. The Commission shall, when requested, advise towns, villages and counties with regard to the construction and maintenance of any road or bridge, and shall select, lay out and construct a system of prospective state highways.

State Highway Commission—Investigate Methods Construction—Co-operate with Officials and Organizations.

Sec. 4. The Commission shall conduct such investigations and experiments as in its judgment may tend to the benefit of highway construction in the state, and make reports thereof to the governor, and may co-operate with state or national organizations in experiments and work for the advancement of highway construction. It shall cause investigations and tests of road materials to be made within the various counties of the state until a sufficient knowledge is obtained of the location and availability of all materials suitable for road building, and in such investigations and tests may call upon and utilize any of the officers, employes, equipment or resources of any of the state educational institutions. PROVIDED, HOWEVER, that the actual cost of such tests or investigations made by any institution shall be borne by the state and paid from the State Road Fund. The Commission may issue and circulate such bulletins, pamphlets and literature as it may deem necessary.

State Highway Commission—Co-operate with Counties—Preference.

Sec. 5. In extending aid and co-operation preference may be given by the Commission to those counties which shall con-

tribute an amount at least equal to that appropriated by the Commission for expenditure in such counties.

County Road Board Created; Members—Qualifications—Appointment—Bond.

Sec. 6. There is hereby created in each of the several counties of the state a County Road Board, the members of which shall serve without compensation, and which board shall consist of three qualified voters and taxpayers, who shall be appointed by the State Highway Commission for a period of three years and subject to removal by said Commission for cause. PROVIDED, HOWEVER, that the members of such boards first appointed shall be appointed for periods of one, two and three years respectively, and not more than two of them shall be of the same political party at the time of their appointment.

Within ten days after appointment, and on the first Monday in March in each year thereafter, the members of any such board shall meet and organize by electing one of their number as chairman and one as secretary-treasurer. The secretary-treasurer shall give bond in an amount to be fixed by the State Highway Commission, subject to approval by the district judge. The officers so elected shall hold their respective offices until their successors are elected and qualified.

County Road Board; Funds—How Expended—Accounting.

Sec. 7. All funds that may be derived from taxation, issuance of bonds, gifts or bequests, or from any other source, for road and bridge purposes in the respective counties shall hereafter be expended under the supervision and direction of the County Road Board, and the methods for making such expenditures and accounting therefor shall be the same as those now or hereafter required by law in the case of expenditures made by the boards of county commissioners.

County Road Board—Powers—Co-operation—Surveys.

Sec. 8. Such County Road Boards are hereby given authority to construct or improve or aid in constructing or improving any road or bridge within the county and to maintain and repair the same, and shall select and lay out a system of prospective county highways. Said system shall include the county seat and such other towns, settlements and railroad stations as may be deemed advisable, and include the main traveled highways in the county. Each such board shall, by conference with similar boards of adjoining counties, cause the respec-

tive county systems to join so as to make continuous and direct lines of travel between the counties, and each such board shall, in laying out said systems, co-operate with and be advised by the State Highway Commission. Each such board is hereby empowered and directed to employ the county surveyor or of its county to prepare, upon the scale and in accordance with instructions to be prescribed by the State Highway Commission, a map which shall show the system of prospective county highways, which map shall be filed with the State Highway Commission and with the county clerk, and after such map has been filed such board may alter or increase such system, with the consent and approval of the State Highway Commission.

County Road Boards—Powers of Road Supervisors—Office Supervisor Abolished.

Sec. 9. From and after the passage of this act such county boards shall be vested with the powers heretofore conferred by law upon the road supervisors in the various counties and shall be charged with the direction of the work heretofore imposed by law upon such road supervisors; and the position of road supervisor is hereby abolished.

County Road Boards; Powers—Employees—Salaries.

Sec. 10. Such county boards are hereby empowered to employ, remove and fix the salaries of such engineers, foremen, laborers and other employees as may be necessary to carry on their work, and may assign such duties and delegate such authority to such employees as they deem advisable.

County Road Boards; Annual Report to Commission.

Sec. 11. Such boards shall make an annual report to the State Highway Commission and such other reports as may be called for by such Commission from time to time.

CHAPTER 55.

AN ACT IN RELATION TO RE-RECORDING OF BRANDS. *Amend.*
S. B. No. 15; Approved June 10, 1912.

Be It Enacted by the Legislature of the State of New Mexico:

Cattle Sanitary Board—Duties; Re-recording Brands; Notice; Publication.

Section 1. The Cattle Sanitary Board of New Mexico shall have the power to and shall cause all brands now in actual use

to be re-recorded. For this purpose the Cattle Sanitary Board shall issue its circular letter to the owner or owners of any brands now appearing upon the brand record in the office of the secretary of the board, requiring the owners of said brands to furnish the secretary with an exact fac-simile of any brand or brands now being used by such owners. In addition to the above notices the Cattle Sanitary Board shall cause such circular letter and blank applications for re-recording to be filed with all inspectors of the board, postmasters, or in some public place in each town or village in the state, and shall within thirty days after this act becomes effective, cause the publication in either Spanish or English, or both, in at least one paper in each county, where there is a paper, of the requirements of this act, such publication to continue for not less than four consecutive weeks.

Owners' Duties; File Fac-simile of Brands; Fees.

Sec. 2. Within six months from the date of the first publication it shall be the duty of all owners of brands now of record in the office of the Cattle Sanitary Board to file with the secretary of said board a fac-simile of the brands now in actual use and owned by them. By actual use is meant brands kept up, which must be so marked as kept up, or brands not kept up on increase, but which are holding brands on cattle, horses, mules or asses now actually owned by them. The fee for the re-recording of brands shall be twenty-five cents for each separate brand so re-recorded, the proceeds to be used for the cost [of] issuance of circular letters, furnishing of blanks and advertising and publication of the provisions of this act as provided for in section one of this act; provided further, that any excess money from such fees shall remain in the fund of the Cattle Sanitary Board.

Recording Brand not Existing; Penalty.

Sec. 3. Any person, company or corporation who shall cause to be recorded a brand not the property of such person, company or corporation, or who, under the provisions of the preceding section, shall cause to be recorded any brand in which there are no animals of which such brand is the holding brand, or any county clerk who shall record a brand unless accompanied by a certificate of the secretary of the Cattle Sanitary Board, as now provided by law, or any person who shall use a brand cancelled, as hereinafter provided, shall

be guilty of a misdemeanor, and shall, upon conviction, be fined in a sum not less than \$25. nor more than \$100 for each and every offense, said fine to go to the school fund of the county where the offense is committed.

Refiling Brand—Time Limit; Cancellation; Proviso; Penalty.

Sec. 4. All brands now of record in the office of the Cattle Sanitary Board and not refiled within the six months hereinbefore provided, shall be declared unnecessary, obsolete, useless, cancelled, expunged, and not of record; Provided, that if it shall be proven to the satisfaction of the Cattle Sanitary Board, that any brand now of record, was, either by omission or error, not re-recorded as herein provided, the Cattle Sanitary Board shall cause the same to be re-recorded.

Board Reject Brand, When.

Sec. 5. The Cattle Sanitary Board shall have the power to reject any brand offered for record under the provisions of this act when upon satisfactory evidence it is shown to the said board that the same is offered for, or is of such character that it is likely to be used for malicious or deceptive purposes, or is not in conformity with the provisions of Section 2 of this act.

Priority of Right, How Determined.

Sec. 6. That the time of record of any brand by the owner in the county wherein said brand was originally recorded before the creation of the Cattle Sanitary Board, shall determine the priority of right and property in such brand and not the time of filing with said Cattle Sanitary Board, provided said brand has been continuously used from date of said original record.

Repeal Clause.

Sec. 7. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 56.

AN ACT RELATIVE TO THE SERVICE OF PROCESS IN CIVIL CASES.
S. B. No. 153; Approved June 10, 1912.

Be It Enacted by the Legislature of the State of New Mexico:

Civil Procedure; Summons—Complaint; Service—Sheriff—Other Person—Constructive—Railroad Company—How.

Section 1. In civil causes summons and copy of complaint

may be served by the sheriff of the county where the defendant may be found, or by any other person not a party to the action, over the age of eighteen years. When served by the sheriff, proof thereof shall be by certificate, and when served by a person other than the sheriff, proof thereof shall be made by affidavit. Such service may be made by delivering a copy of the process or papers to be served, to the defendant; or if the defendant refuses to receive such copy, by reading same to said defendant; and if the defendant so refuses to receive such copies or hear the same read, such action shall constitute good service in law. If the defendant be absent, service may be made by delivering a copy of the process or other papers to be served, to some person residing at the usual place of abode of the defendant, over fifteen years of age; and if no such person be found willing to accept a copy, then service shall be made by posting such copies in the most public part of defendant's premises.

Service upon any railroad company may be made upon any station agent of any such company at any station or depot, and if there are no stations or agents within the county, then service may be made upon any conductor of a passenger or freight train of cars of such company.

Civil Procedure; Summons—Executed by Attorneys; Service—Proof of; Fees—Clerk.

Sec. 2. Copies of summons and all other papers necessary to be served may be made by the attorneys of record, and the certificate of the sheriff or affidavit of the person serving the same shall be sufficient proof thereof, and no clerk or other officer shall be permitted to charge for copies made by attorneys in the case.

Repeal Clause.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed.

Emergency; Act Effective Upon Passage and Approval.

Sec. 4. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage.

CHAPTER 57.

AN ACT FOR THE ESTABLISHMENT OF COUNTY HIGH SCHOOLS, AND
PROVIDING FOR THE MAINTENANCE THEREOF. *S. Sub. S. B*
No. 29; Approved June 10, 1912.

Be It Enacted by the Legislature of the State of New Mexico:
County High Schools; How Established—Population.

Section 1. That county high schools may be established as hereinafter provided in each county of this state having a population of five thousand or more inhabitants as shown by the last federal census.

County High Schools; How Established—Petition, Essentials, County Commissioners Call Election, Duties.

Sec. 2. When petitioners to the number of one-fifth of the electors of the county, including women qualified as provided in section 1, Article VII of the State Constitution, shall petition to the board of county commissioners of any county of the class provided for in section one requesting that an election be called to determine the question of establishing a county high school in such county at a place named in said petition, it shall be the duty of said board of county commissioners to call an election for said purpose not less than thirty days following the meeting of said board at which such petition is received. Said election shall, in all matters not herein provided for, be called, conducted and the returns made and canvassed as now provided by law for the election of county officers. At said election the ballots shall read "For a county high school at....." and "Against a county high school at....." If a majority of votes cast at said election shall be in favor of establishing such high school it shall be the duty of said board to establish a high school at the place named in said petition by executing a certificate under the seal of said board, of which certificate duplicates shall be delivered to the county clerk and the assessor of said county.

County High Schools; Children—Requirements for Admission.

Sec. 3. All children of school age residing in said county who have passed the elementary course of study in the eighth grade, as prescribed by the Board of Education of the State

or the district wherein any such school is located, shall be admitted to such county high school free of tuition.

County High Schools—Management—Government.

Sec. 4. The management and government of each of said high schools shall be under the control of the Board of Education or school directors of the city or district where said school is established and maintained.

County High Schools; Directors—Elected—Women, Qualifications—County Superintendent—Number of Officers.

Sec. 5. The county superintendent, by virtue of his office, shall be a member of said board. All members of the board of education or school directors, except the school superintendent, shall be elected and the board shall organize in the same manner as now provided by law except that women qualified as provided in section one of this act shall have the right to vote and hold the office of member of the board of education or school director in the city or district where the county high school is established.

County High Schools; Maintenance—Taxation, Additional Levy.

Sec. 6. For the purpose of maintaining county high schools the boards of education or school directors of all the county high schools established in any county of the state under this act shall be permitted to levy, in addition to the levies now provided by law, an additional levy to be known as the county high school levy which shall not exceed two mills upon the dollar.

County High Schools; Taxation, Levy Certified to County Clerk, Etc.—Fund Apportioned—How—Proviso.

Sec. 7. Said levy made for county high schools shall be certified to the county clerk of the county in which said high school or schools are situate by the president and secretary of each of said boards and the county clerk is hereby directed to certify the same to the assessor of said county who shall place the same upon the tax rolls of said county and said taxes shall be collected in the same manner as other taxes, and when collected the county treasurer shall place the same to the credit of the district or districts where any such county high school or schools are situate, in a separate fund known as the County High School Fund.

The treasurer of said county shall apportion said high school fund among the high schools of the county established under

this act, if there be more than one such high school, in the ratio shown by the number of children attending such high schools during the preceding year. Provided, however, that no child shall be counted in determining said ratio who has attended said high school for less than half of the regular sessions of its high school year. At the end of each high school year the president and secretary of the board or school directors of each district having such high school shall certify under oath to the treasurer of the county the number of such pupils attending the high school during the preceding year as the basis for apportionment of the county high school fund. Provided, further, that only one such county high school shall be established in any county of the state during any one year, and that when an additional county high school shall be established it shall receive during the first school year not to exceed one-third of the moneys then in the county high school fund. Provided, further, that where high schools now located in counties are established and designated as county high schools, the limitation hereinabove made to the number of county high schools established in any one year shall not apply and the county high school fund shall be apportioned among such schools on the basis of attendance during the preceding high school year of such schools.

County High Schools; Erection—Cost District.

Sec. 8. It is hereby expressly provided that the cost of site, location of building and erection and cost thereof for any such county high school shall be entirely borne by the district where such high school is established, and the county high school fund hereinbefore provided for shall be used only for the maintenance and operation of the said county high school or high schools.

County High Schools; Bonds—Directors Issue for; Secure Site.

Sec. 9. The board of education or school directors of the district where any such county high school is established shall proceed as soon as practicable after the establishment of said county high school to secure the necessary site and buildings and are hereby authorized to bond the said district as now provided by law for the purpose of providing the necessary site and buildings.

County High Schools; Directors Prescribe Course Study.

Sec. 10. The board of education or school directors of the

district where any such county high school is established shall add to the course of study provided for such school the additional branches of manual training, domestic science, the elements of agriculture and commercial science.

County High Schools: Directors—Employ, Discharge Teachers.

Sec. 11. The board of education or school directors of the district where any such county high school is established shall employ and discharge teachers, regulate their salaries and shall have the power and authority to make all necessary rules and regulations and to do all things for the proper management and control of said county high school.

Emergency; Act Effective Upon Passage and Approval.

Sec. 12. This law shall be in full force and effect, as provided by law, after its passage and approval.

CHAPTER 58.

AN ACT PROVIDING FOR THE ISSUANCE OF BONDS BY THE STATE OF NEW MEXICO FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A SYSTEM OF STATE HIGHWAYS. *Amend. S. B. No. 161; Approved June 10, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Highways; Appropriation—Construction Maintenance.

Section 1. For the purpose of providing payment of the cost of the construction and maintenance of a system of state highways, the State of New Mexico is hereby authorized to incur an indebtedness in the manner provided by this act, in the sum of five hundred thousand dollars.

Highways; Bonds Issue—Execution of—Validity; State Treasurer—Duty.

Sec. 2. Immediately after the issue of the proclamation of the governor as provided in section 8 of this act, the State Treasurer shall prepare five hundred suitable bonds of the State of New Mexico in the denomination of one thousand dollars each to be numbered from one to five hundred inclusive, and bear the date of July 1, 1913. The total issue of said bonds shall not exceed the sum of five hundred thousand dollars and they

shall bear interest at the rate of four per cent per annum from the date of issuance thereof. Said bonds and the interest thereon shall be payable in gold coin of the United States of the present standard of value at the office of the State Treasurer, at the times and in the manner following, to-wit: the first twenty of said bonds shall be due and payable on the first day of January, 1919, and twenty of said bonds in consecutive numerical order shall be due and payable on the first day of July in each and every year thereafter until and including the first day of July, 1942. The interest accruing on all of said bonds that shall be sold shall be payable at the office of the Treasurer of the state or elsewhere on the first day of July and the first day of January of each and every year after the sale of the same. The interest on all bonds issued and sold shall cease on the day of their maturity and the said bonds so issued and sold shall on the day of their maturity be paid as herein provided, and cancelled by the State Treasurer. All bonds remaining unsold shall at the date of maturity thereof be by the Treasurer of the State cancelled and destroyed. All bonds issued pursuant to the provisions of this act shall be signed by the Governor, countersigned by the Auditor and endorsed by the State Treasurer in office on the first day of July, 1913, and each of said bonds shall have the great seal of the State of New Mexico impressed thereon. The said bonds signed, countersigned, endorsed and sealed as herein provided, when sold shall be and constitute a valid and binding obligation upon the State of New Mexico, although the sale thereof be made at a date or dates after the persons so signing, countersigning and endorsing same shall have ceased to be the incumbents of their respective offices.

Highways; Bonds—Interest Coupons—Essentials; Expense—State Treasurer.

Sec. 3. Appended to each of said bonds there shall be interest coupons so attached that the same may be detached without injury to or mutilation of the bond to which same are attached. The said coupons shall be consecutively numbered and shall bear the lithographic signature of the State Treasurer. No interest shall be paid on any such bond for such time as may intervene between the date thereof and the date of sale of same, unless such accrued interest shall have been by the purchaser of said bond paid to the state at the time of such sale.

Expenses incurred by the Treasurer in the preparation of said bonds and in the advertising of the sale thereof, as in this act provided, shall be paid by the State Highway Commission upon warrant to the State Treasurer on funds available in the State Road Fund.

Highways; Bonds—Sale—Supervision Governor; Highway Commission—Resolution; State Treasurer—Duty—Publication—Road Fund; Counties—Expense Apportioned.

Sec. 4. When the bonds authorized by this act to be issued, shall have been signed, countersigned, endorsed and sealed as in this act provided, the State Treasurer shall sell the same in such parcels and numbers as the Governor shall direct, to the highest bidder for cash. The Governor of the state shall issue such direction to the Treasurer immediately after being requested so to do through and by resolution duly adopted and passed by a majority vote of the State Highway Commission. Said resolution shall specify the amount of money which in the judgment of said Highway Commission shall be required at such time, and the Governor shall direct the Treasurer to sell such number of bonds as may be required to raise the amount of money so specified. Said bonds shall be sold in consecutive numerical order, commencing with the first twenty thereof. The Treasurer shall not accept any bid which is less than the par value of the bond, plus the interest which has accrued thereon between the date of sale and the last preceding interest maturity date. The Treasurer, at the time and place fixed by him for said sale, may continue such sale as to the whole or any part of the bonds offered to such time and place as he may designate at the time of such continuance. Before offering any of such bonds for sale, the Treasurer shall detach therefrom all coupons which have matured or will mature before the date fixed for such sale. He shall publish notice of the time and place of sale in one newspaper published at Santa Fe, New Mexico, and in one newspaper published at Albuquerque, New Mexico, and in one newspaper published in each of the cities of New York, Chicago and Kansas City, once a week for four successive weeks next preceeding the date fixed for such sale. In addition to the notice last above provided for, the Treasurer may give such further notice as he may deem advisable, but the expenses of such additional notice shall not exceed the sum of one hundred dollars for each sale so advertised. Immediately after such sale of bonds, the Treasurer shall pay into the state treasury and

cause to be placed in the State Road Fund the total amount received for said bonds, except such amount as may have been paid as accrued interest thereon. The monies placed in the State Road Fund pursuant to the provisions of this section shall be used exclusively for the construction and maintenance of said system of state highways. Provided: that the expenditure of the proceeds derived from the sale of said bonds shall be annually apportioned among the several counties of the state upon the basis of the amount annually contributed by each county to the State Road Fund as proceeds of the one mill levy required by chapter 42 of the Acts of the Thirty-eighth Legislative Assembly of New Mexico.

Highways; Bonds—Principal, Interest How Paid; State Treasurer—Duty, Sinking Fund, Proviso—Taxation, Special Levy, Duty Taxing Officials.

Sec. 5. There is hereby appropriated from the Road Fund in the state treasury such sum annually as shall be necessary to pay the principal and the interest on the bonds issued and sold pursuant to the provisions of this act, as said interest and principal shall become due and payable. The Treasurer shall, on the first day of January and on the first day of July of each year, transfer from the Road Fund to the Interest Fund such amount of the money by this act appropriated as shall be required to pay the accrued interest on the bonds theretofore sold, until the interest on all of such bonds so sold shall have been paid or shall have become due in accordance with the provisions of this act. There is hereby created in the state treasury a fund to be known and designated as the State Highway Sinking Fund. The Treasurer of the state shall on the first day of January, 1919, and on the first day of January each and every year thereafter in which a parcel of the bonds sold pursuant to the provisions of this act shall become due, transfer from the Road Fund of the state treasury to the said State Highway Sinking Fund such an amount of the monies appropriated by this act as may be required to pay the principal of the bonds so becoming due and payable in such years. PROVIDED, HOWEVER, that at any time when there shall be an insufficient amount in said Road Fund to pay the principal and interest on the bonds as aforesaid, then and in that event a special levy shall be made to provide for the payment of the said principal and interest as the same become due and payable. It is hereby made the duty of all

officers charged by law with any duty in regard to the levy and collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

Highways; Bonds, Payment, Principal, Interest, Sinking Fund, State Auditor—Duty.

Sec. 6. As the same becomes due, the principal of all of such bonds shall be paid from the State Highway Sinking Fund, and as the same becomes due, the interest on all bonds sold shall be paid from the Interest Fund. Both principal and interest shall be so paid upon warrants duly drawn by the Auditor upon the Treasurer, and the faith of the State of New Mexico is hereby pledged for the payment of the principal of said bonds so sold and the interest accruing thereon.

Highways; Bond Issue—Election—Submission to Voters.

Sec. 7. This act shall be submitted to the people of the State of New Mexico for their ratification at the next general election to be held in the month of November, 1912, and all ballots at said election shall have printed thereon and at the end thereof the words, "For the State Highway Bond Issue," and in a separate line under the same, the words "Against the State Highway Bond Issue." Opposite said lines there shall be a square in which the voters may make or stamp a cross to indicate whether they vote for or against said bond issue, and those voting for said bond issue shall do so by placing a cross in the square opposite the words "For the State Highway Bond Issue," and those voting against the said bond issue shall do so by placing a cross in the square opposite the words "Against the State Highway Bond Issue."

Highways; Bonds—Election—Rules and Regulations; Governor—Proclamation.

Sec. 8. The votes cast for and against said bond issue shall be counted, returned, canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that this act shall have received a majority of all the votes cast for and against it at such election aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities for the creation of which provision is herein made, shall be paid and discharged, and the Governor shall accordingly make proclamation thereof. But if a ma-

majority of the votes cast as aforesaid shall be against said bond issue then this act shall be and become void.

Highways; Bond Issue; Publication—Secretary State; Duty; Expense.

Sec. 9. It shall be the duty of the Secretary of State to have this act published once a week in one newspaper in each county, if one be published therein, throughout this State, for four weeks next preceding the general election to be held in the month of November, 1912. The cost of publication shall be paid out of the Road Fund.

"State Highway Bond Act"—Act Designated As,

Sec. 10. This act shall be known and cited as the State Highway Bond Act.

Sec. 11. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

CHAPTER 59.

AN ACT TO AMEND SECTION ONE OF CHAPTER SIXTY-NINE OF THE LAWS OF NEW MEXICO OF 1909 ENTITLED "AN ACT TO AMEND CHAPTER 107 OF THE LAWS OF 1903" ENTITLED 'AN ACT TO CREATE COUNTY BOARDS OF HORTICULTURAL COMMISSIONS IN THE TERRITORY OF NEW MEXICO AND TO PROMOTE THE HORTICULTURAL INTERESTS IN SAID TERRITORY.' *H. B. No. 259; Approved June 10, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Amending Sec. 1, Chap. 69, Laws 1909; County Boards Horticulture.

Section 1. That Section 1 of Chapter 69 of the Laws of 1909 entitled "An Act to amend Chapter 107 of the Laws of 1903" entitled "An Act to Create county boards of horticultural commissions in the Territory of New Mexico, and to promote the horticultural interests in said Territory" be, and the same hereby is amended to read as follows:

"Section 1. That Section 2 of Chapter 107 of the Laws of 1903 entitled "An Act to create county boards of horticultural commissions in the Territory of New Mexico and to promote

the horticultural interests in said Territory is hereby amended to read as follows:

County Boards Horticultural Commissioners—Powers—Duties; Owners—Duties; Nuisances; Salary; County Commissioners—Powers—Duties—Taxation.

Sec. 2. It shall be the duty of the county board of horticultural commissioners in each county, to cause an inspection to be made of any orchards, nurseries, trees, fruits, plants, fruit packing houses, store rooms, sales rooms, or any other places in their county where there are trees, vines, shrubs, plants or fruits, and if any such orchards, nurseries, trees, vines, shrubs, plants, fruits or places be found to be infested with San Jose scale, codlin moth or other insect, pests or fungus diseases injurious to fruit, trees, vines or plants, or with the eggs or larvae thereof, they shall notify the owner or person in charge or control of such orchard, nursery, trees, vines, plants, shrubs, or places, that the same are so infested, and shall require said persons to eradicate or destroy such insects or pests or their eggs or larvae, or to treat such diseases, within the time or at the times and in the manner to be stated in a notice or notices to be signed and served by an inspector of said board. For the purpose of making such inspection, the inspectors appointed by any board of horticultural commissioners in any county of this State are hereby authorized to enter upon or into any orchard, nursery or place where trees, vines, shrubs, plants or fruits are grown or kept. The notice to be served, as hereinbefore provided, shall contain directions for the application of some treatment or spray, approved by the said board of horticultural commissioners for the eradication or destruction of such pests, or the eggs, or larvae thereof, or the treatment of contagious diseases or fungus growth, or for the destruction of diseased trees, or parts of trees, where necessary to prevent the spread of such contagious diseases. Any and all such places, orchards, nurseries, trees, plants, shrubs, vines, fruits or articles thus infested are hereby declared to be public nuisances, and whenever any owner or person in charge or possession thereof shall have failed or refused to abate the same within the time specified in such notice, or whenever any such nuisance exists, the owner of which cannot be found by the inspector of said board after diligent search, it shall be the duty of the board to cause such nuisance to be at once abated by eradicating or destroying such insects

or pests, or eggs or larvae, or by treating or disinfecting or destroying the infested or diseased trees, vines, shrubs, plants, fruits or other articles under the direction of an inspector of said board. The expense thereof shall be a county charge, and the board of county commissioners shall allow and pay the same out of the horticultural commission fund. Any and all sums so paid shall be and become a lien on the property and premises from which said nuisances shall have been removed or abated.

It shall be the duty of every person, firm or corporation owning or controlling any nursery, orchard, flower garden or place where fruit trees, shrubs, vines, ornamental trees or flowering plants are grown to spray the same whenever and in such manner as the county board of horticultural commissioners shall direct to prevent the growth and spread of insect pests or fungus diseases injurious to fruit, trees or plants, and in case any owner shall refuse, neglect or fail to spray such trees, shrubs, vines or plants or to treat such diseases within the time or at the times and in the manner directed in a written notice, signed and served upon him by an inspector of said board, it shall be the duty of said board to cause such spraying to be done and such treatment to be made at the expense of such owner, such expense to become a lien upon the land where such orchards, nurseries, trees, vines and plants are situate or growing, to be enforced as provided by law for the enforcement of other liens for expenses incurred by boards of horticultural commissioners. The inspectors appointed by any county board of horticultural commissioners shall receive compensation for services performed by them under orders of said board at the rate of three dollars per day, and the county commissioners shall allow and pay the same out of the horticultural commission fund upon vouchers signed by the president of said board. For the purpose of providing funds for the payment of such inspectors and other necessary expenses incurred by said board, the county commissioners of every county wherein there is or may be a county board of horticultural commissioners appointed as provided by law are hereby authorized and directed to levy a special tax, not exceeding five mills upon the dollars [dollar] of the assessed valuation thereof upon all orchard lands, and lands upon which are growing ornamental trees, shrubs or vines, and upon all lands used for nurseries, within said county, which tax shall be levied, assessed and collected as other taxes in said county, and the pro-

ceeds thereof shall be credited to the horticultural commission fund of said county. All monies collected by enforcement of the liens herein provided for shall be credited to said horticultural commission fund.

CHAPTER 60.

AN ACT TO EXTEND THE TIME TO PROCURE DEEDS FROM THE CITY OF SOCORRO GRANT, BEING AN ACT TO AMEND SECTION 4 OF CHAPTER 143, PASSED BY THE 38TH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW MEXICO, AMENDING AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 77 OF THE ACTS OF THE 30TH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW MEXICO," APPROVED MARCH 18, 1909. *H. B. No. 179; Approved June 10, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Grant—City of Socorro; Procedure to Obtain Deed; Protest—Proviso—Time Application.

Sec. 1. That Sec. 4 of Chapter 143 of the Laws of the 38th Legislative Assembly of said Act be amended to read as follows:

When application shall be made, as herein provided, for a deed to any portion of the lands within the limits of such grant, the clerk of said city is hereby required, within ten (10) days after the receipt of such application, to publish a notice of the same in a newspaper published and of general circulation in said city in one issue of said newspaper, giving in said notice the name of the applicant and a description of the lands for which a deed is asked. Any person, or persons, either on behalf of themselves or on behalf of said city who claims an adverse interest in any part or portion of land or lands for which application for a deed, or deeds, is so made, shall have the right to file, at any time within thirty (30) days after the publication of such notice, a protest against the execution of a deed, or deeds, to the applicant or applicants for the land applied for, or such portion thereof in which he or they may claim an interest, which protest shall be in writing, setting forth the ground of his, or their, objection and

a description of that portion of the land in which he, or they, for themselves, or for said city, claim an adverse interest, and shall be sworn to by at least one protestant and filed with the city clerk of said city: Provided, That if said protest is filed on behalf of said city the same shall be signed and sworn to by at least ten (10) citizens of the said city who are the owners of real estate within said Grant. And provided, further, That no deed shall be executed by either said city or said co-trustee under any such application, unless said application is filed with the said city clerk within five years from the 18th day of March, A. D. 1909, and all lands within the limits of said Grant for which a deed has not been executed by said city, or for which application has not been made within said five years, shall be the property of said city of Socorro.

Repeal Clause.

Sec. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

CHAPTER 61.

AN ACT TO PROVIDE FOR A UNIFORM SYSTEM OF ACCOUNTING, AUDITING AND REPORTING FOR ALL PUBLIC OFFICERS THROUGHOUT THE STATE UNDER THE ADMINISTRATION OF THE TRAVELING AUDITOR AND BANK EXAMINER. *H. B. No. 283; Approved June 10, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Accounting—Public Officials—Uniformity; Auditor, Bank Examiner—Duty;

Section 1. That the Traveling Auditor and Bank Examiner is hereby authorized and directed to prescribe and install a system of accounting and reporting which shall be uniform for all county officials and institutions, [institutions] penal, reformatory, educational or charitable, and which shall exhibit true accounts of all funds collected, received and disbursed by all County officers, and officials of State Institutions, and shall show the receipt, use and disposition of all public property; the income, if any, derived therefrom; the receipts from all sources of public income and the amounts due or received from each source,

and all the vouchers and other documents, necessary to isolate and prove the validity of every transaction and claim.

Accounting—Public Officials—Separate Accounts—Essentials.

Sec. 2. Separate accounts shall be kept for every appropriation or fund, showing the date and manner of each payment made out of the funds provided by such appropriation or fund, the name and address of the person, firm, corporation or association to whom the same was paid, and for what purpose and by what authority it was paid.

Accounting—Public Officials—Annual, Special Reports; Auditor, Bank Examiners—Duty.

Sec. 3. The Traveling Auditor and Bank Examiner shall require from every County official and all State and County Institutions, financial reports covering the full period of each year, in accordance with forms and methods prescribed by him. He may also require quarterly and monthly reports, and special reports at any time; all of which reports shall be uniform for the same class of accounts; and he may require any or all such reports to be certified under oath. The Traveling Auditor and Bank Examiner shall publish in an annual volume the substance of all such reports, at the expense of the State as a public document and submit the same to the Governor and to the Legislature.

Accounting—Public Officials—Duty.

Sec. 4. It shall be the duty of every County officer and employe and every official and employe of State Institutions to keep all accounts in his office, and to make all reports according to the methods and forms prescribed by the Traveling Auditor and Bank Examiner.

Accounting—Public Officials; Auditor, Bank Examiner—Power—Duties;

Sec. 5. The Traveling Auditor and Bank Examiner and his assistants shall have power to examine the financial affairs of every State and County public office and officer and of every State and County institution, and shall make such examination once each year or oftener if the Traveling Auditor and Bank Examiner deems necessary. On every such examination inquiry shall be made as to the moneys and appropriations received and disbursed by such office, whether the requirements of the laws have been complied with, and such other matters

as the Traveling Auditor and Bank [Examiner] may prescribe. The Traveling Auditor and Bank Examiner and assistants shall have power to administer oaths, to require any officer or person to appear and testify and to produce books and papers at such examinations. Wilful false swearing at such examinations shall be perjury and shall be punished as such. A report of each examination shall be made and filed in the office of the Traveling Auditor and Bank Examiner.

Accounting—Public Officials—Uniformity; Auditor, Bank Examiner—Install System.

Sec. 6. When a system of uniform accounting is decided upon, the Traveling Auditor and Bank Examiner or assistants shall install such system and instruct all officials as to its operation.

Accounting—Public and Officials; Neglect Duty—Misdemeanor.

Sec. 7. Any person who shall refuse or neglect to make reports or exhibits, or give information, or to appear or testify, or to produce books or papers, or to adopt and use proper books, forms or methods of accounting, when notified or required so to do by the Traveling Auditor and Bank Examiner or assistants as provided in this Act, or who shall otherwise violate any of its provisions shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty Dollars nor more than Five Hundred Dollars or by imprisonment for not more than ninety days or both such fine and imprisonment.

Repeal Clause.

Sec. 8. All acts and parts of acts in conflict herewith are hereby repealed.

Emergency; Act Effective Upon Passage and Approval.

Sec. 9. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage.

CHAPTER 62.

AN ACT TO SAFEGUARD THE TRAVELING PUBLIC AND EMPLOYEES
UPON RAILROADS BY LIMITING THE HOURS OF SERVICE OF EM-
PLOYEES THEREON. *H. B. No. 22; Approved June 10, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Railroad; Regulating Hours of Service of Employees; Proviso.

Section 1. Hours of service limited—exceptions. It shall be unlawful for any railway company within the State of New Mexico or any of its officers or agents to require or permit any employe engaged in or connected with the movement of any rolling stock, engine or train, to remain on duty for a longer period than sixteen consecutive hours and whenever any such employe of such railway company shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employe who has been on duty sixteen hours in the aggregate in any twenty-four hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: Provided, however, that the provisions of this Act shall not apply in cases of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the railway company or its officer or agent in charge of such employe at the time such employe left a terminal point and which could not have been foreseen: Provided further, that the provisions of this Act shall not apply to the time necessary for train crews to take passenger trains and freight trains loaded with live stock or perishable freight to the next nearest division point, nor shall it apply to the time necessary for trainmen to reach a resting place when an accident, wreck, washout, snow blockade or other unavoidable cause has delayed their train: Provided further, that the provisions of this Act shall not apply to employes of sleeping car companies nor to crews of wrecking or relief trains."

Railroads; Violation Sec. 1—Misdemeanor; District Attorney Bring Action; Corporation Commission—Duty; Evidence; Attorney General—Duty.

Sec. 2. Penalty—Prosecutions. That such railway company

or any superintendent, train master, train dispatcher, yard master, or other official or agent of any railway company in the State of New Mexico requiring or permitting any such employe to go, be or remain on duty in violation of Section 1 of the Act, shall be liable to a penalty of not to exceed five hundred dollars for each and every such violation to be recovered in a suit or suits to be brought by the district attorney in the district court of the district where such violation was committed: It shall be the duty of the district attorney to bring such suits upon satisfactory information being lodged with him and when so requested to withhold the name of the person furnishing such information; but no such suit shall be brought after the expiration of one year from the date of such violation.

It shall be the duty of the State Corporation Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

In all prosecutions under this Act the railway company shall be deemed to have had knowledge of all acts of all its officers or agents.

In case of the failure of any district attorney to bring such suit within a reasonable time after information shall have been lodged with him, by the State Corporation Commission or any other person, of any violation of the provisions of this Act, it shall be the duty of the Attorney General upon being informed of such fact to cause such prosecution to be commenced.

CHAPTER 63.

AN ACT TO PREVENT CORRUPT PRACTICES IN CONNECTION WITH ELECTIONS. *S. B. No. 185; Approved June 11, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Bribery; Elections; What Constitutes; Disfranchise; Disqualification for Office—Jury Service.

Section 1. The following persons shall be deemed guilty of bribery and on conviction shall be punished by fine of not less than fifty nor more than five hundred dollars and by imprisonment in the county jail for not less than two months nor more

than six months and shall thereafter be disqualified from voting at any election, serving on juries or holding any public office in this state:

First:—Every person who shall directly or indirectly offer, give, lend or promise to give, lend or to endeavor to procure, any money or valuable consideration, or any office, place of employment, to or for any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting for or against any candidate, party ticket, proposition, question or constitutional amendment at any election:

Second:—Every person who shall directly or indirectly give, lend, promise or procure any money or valuable consideration, place, or employment to or for any voter or to or for any other person on account of any voter having so voted or refrained from voting at any election:

Third:—Every person who shall directly or indirectly receive, agree or contract to receive or accept any money, gift, loan, valuable consideration, office, place or employment for himself or any other person in consideration that he or any voter shall vote or refrain from voting, or has voted, or refrained from voting for any candidate, party ticket, proposition, question, or constitutional amendment at any election:

Fourth:—Every person who shall advance or pay or cause to be paid any money to or for the use of any person with the intent that such money or any part thereof shall be used to bribe voters at any election or who shall knowingly pay or cause to be paid any money so expended in bribery.

Elections; Intimidation; Oppression—Discharge from Employment Because Political Belief—Misdemeanor.

Sec. 2. Every officer or agent of any corporation, company or association and every individual having under his control or in his employ any persons entitled to vote at any election who shall directly or indirectly discharge or threaten to discharge any such employe on account of his political opinions or belief, or who shall, by any corrupt or unlawful means, procure or attempt to procure or induce any such employe to vote or refrain from voting for any candidate, party ticket, proposition, question or constitutional amendment at any election shall, upon conviction thereof, be punished by fine of not less than one hundred nor more than one thousand dollars or by imprisonment for not more than six months or both such fine and imprisonment.

Elections; Voters—Influencing by Use Money—Discharge—Refrain From Voting—Misdemeanor.

Sec. 3. It shall be unlawful for any corporation organized or doing business under or by virtue of the laws of this State, directly or indirectly, by or through any of its officers or agents, or any other person, to influence or attempt to influence the vote of any voter at any election by the unlawful use of money belonging to such corporation, or by discharging or threatening to discharge any employe of such corporation on account of his political opinions or belief, or by any corrupt and unlawful means whatsoever to induce or persuade any employe or other person entitled to vote at any election to vote or refrain from voting for any candidate, party ticket, proposition, question or constitutional amendment. Any violation of the provisions of this section by a corporation shall be punished by a fine of not less than one hundred nor more than one thousand dollars, and any person by or through whom such act is committed shall be punished by fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Elections; Voters—Influencing by Force, Threatening, Duress, Impeding—Misdemeanor.

Sec. 4. Every person who shall directly or indirectly use any force, violence or restraint or inflict or threaten to inflict, by himself or any other person, any injury, damage, harm or loss upon any person in order to induce or compel such person or any other person to vote or refrain from voting for any candidate, party ticket, proposition, question or constitutional amendment at any election, or who shall, by abduction, duress or any fraudulent device, contrivance or scheme, impede or prevent the free exercise of the franchise by any elector, shall, upon conviction thereof, be punished by fine not exceeding five hundred dollars and by imprisonment for not less than two months nor more than one year.

Elections; Voting or Attempting to Vote Twice or Under Different Name—Felony.

Sec. 5. Any person who shall vote or attempt to vote at any election under any name other than his own, whether that name be of a person living or dead, or of a fictitious person, or who having voted once at any election shall vote or attempt to vote again at such election in the same or some other precinct, shall be deemed guilty of a felony and upon conviction shall be pun-

ished by imprisonment for not less than one nor more than three years.

Elections; Candidates—Contributions, Expenditures Beyond Certain Amount Illegal—Proviso.

Sec. 6. It shall be unlawful for any candidate for any public office in the State or in any county or municipality thereof which office is to be filled by popular election, to pay out, expend or contribute in order to secure or aid in securing his nomination or election, or both such nomination and election, or the nomination or election of any other person or persons, or in aid of any political party, in any campaign, any money or other valuable thing amounting in the aggregate to more than—ten—per centum of one year's salary or compensation provided by law for the incumbent of the office for which he is or seeks to be a candidate; PROVIDED, that such amount shall not include the traveling expenses and hotel bills of such candidate.

Elections; Candidates—File List Expenditures Incurred Before—After Election; Certificate Election Withheld Until Filed.

Sec. 7. Every person who shall be a candidate for any public office at any election shall, not less than five nor more than ten days prior to the election to fill such office make out and file with the officer or officers authorized by law to issue the certificate of election to such office, and a duplicate thereof with the county clerk of the county in which such candidate resides, a statement in writing, subscribed and sworn to by such candidate, setting forth in detail all sums of money or things of value, except money paid out for actual traveling expenses or hotel bills, contributed, paid out, expended or promised by him or to the best of his knowledge and belief by any other person or persons in his behalf, in endeavoring to secure his nomination or election to such office or in connection with the nomination or election of any other candidate at such election, showing the dates, the persons to whom and the purposes for which such sums or things of value were paid, contributed, expended or promised.

Every such candidate shall within thirty days after such election make out and file with the officer or officers empowered by law to issue the certificate of election to such office and a duplicate with the county clerk of the county in which such candidate resides a like sworn statement of all sums of money or things of value, except traveling expenses and hotel bills, contributed, paid, expended or promised by him or any other person

or persons in his behalf in endeavoring to secure his nomination or election to such office or any connection with the nomination or election of any other person or in aid of any political party at such election.

No person authorized by law to issue certificates of election shall issue any certificate of election to any candidate until such statement shall have been so made, verified and filed. **PROVIDED:** that candidates for offices to be filled by elections held in more than one county shall file such duplicate statement in the office of the Secretary of State.

Non-Compliance With Sec. 7—Misdemeanor—Official Cannot Assume Office.

Sec. 8. Any person failing to comply with the provisions of Section 7 hereof shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding five hundred dollars and no person shall enter upon the duties of any elective office until he shall have filed the statement and duplicate last provided for in said Section 7, nor shall he receive any salary or compensation for any period prior to the filing of the same: Provided, that the provisions of this and the preceding section as to making and filing statements of expenditures shall not apply to candidates for the offices or positions of school directors, justices of the peace, constables, members of boards of education, directors of irrigation districts or drainage districts, members of artesian well boards, or officers of community ditches or acequias.

Elections; "Political Committee"—What Constitutes.

Sec. 9. Every two or more persons who shall be selected, appointed, chosen or associated for the purpose, wholly or in part, of raising, collecting or disbursing money, or of controlling or directing the raising, collection or disbursement of money for election purposes, and every two or more persons who shall cooperate in the raising, collection or disbursement, or in controlling or directing the raising, collection or disbursement of money to be used in furtherance of the election or to defeat the election to public office of any person or any class or number of persons, or in furtherance of the enactment or to defeat the enactment of any law or ordinance, or for the approval or rejection of any constitutional provision, shall be deemed a political committee within the meaning of this Act.

Elections; Political Committee—Appoint Treasurer to Receive Contributions.

Sec. 10. Every political committee shall appoint and constantly maintain a treasurer to receive, keep and disburse all sums of money which may be collected or received or disbursed by such committee, or by any of its members, for any of the purposes mentioned in Section 9 of this Act, for which such committee exists or acts; and, unless such treasurer is first appointed and thereafter maintained, it shall be unlawful for a political committee or any of its members to collect, receive or disburse money for any such purpose. All money collected or received or disbursed by any political committee, or by any member thereof, for any of the purposes mentioned in Section 9 of this Act, and for which such committee exists or acts, shall be paid over and made to pass through the hands of the treasurer of such committee, and shall be disbursed by him; and it shall be unlawful for any political committee, or for any member or members of a political committee, to disburse or expend money for any of the objects or purposes mentioned in Section 9 of this Act, and for which such committee exists or acts, until the money so disbursed or expended shall have been passed through the hands of the treasurer of such political committee. Any person who shall violate any of the provisions of this section shall, upon conviction, be punished by fine not exceeding five hundred dollars.

Elections; Political Committee; Treasurer—Duties—Record.

Sec. 11. Every treasurer of a political committee, and every person who shall at any time act as such treasurer shall, whenever he receives or disburses money as such treasurer, or for or on account of any of the objects or purposes mentioned in Section 9 of this Act, immediately enter and thereafter keep, in a proper book or books to be provided and preserved by him, a full, true and detailed statement and account of each and every sum of money so received or disbursed, and the date when, and the person from whom received, or to whom paid, and the object and purpose for which such sum was received or disbursed.

Elections; Political Committee—Treasurer File Sworn Report.

Sec. 12. Every treasurer of a political committee, as defined in this Act, and every person who shall act as such treasurer, shall, within thirty days after each and every election, whether state, county, municipal, precinct, or district election, in or con-

cerning or in connection with which he shall have received or disbursed any money for any of the objects or purposes mentioned in Section 9 of this Act, prepare and file in the office of the county clerk of the county in which such treasurer resides, a full, true and detailed account and statement, subscribed and sworn to by him before an officer authorized to administer oaths, setting forth each and every sum of money received or disbursed by him for any of the objects or purposes mentioned in Section 9 of this Act, within the period beginning ninety days before such election and ending on the day on which such statement is filed, the date of each receipt and each disbursement, the name of the person from whom received or to whom paid, and the object and purpose for which the same was received and disbursed. Such statement shall also set forth in detail the unpaid debts and obligations, if any, of such committee, with the nature and amount of each, and to whom owing, and if there are no unpaid debts or obligations of such committee, such statement shall state such fact.

Elections; Secretary State, County Clerk—Duty to Preserve Statements—Evidence.

Sec. 13. The Secretary of State and each county clerk shall receive and file and safely keep the duplicate statements required by this Act to be filed with them, which statements shall at all reasonable times be open to public inspection. After one year succeeding the filing of such statements they may be destroyed by any such officer or his successor. Copies of such statements certified by any such officer under the seal of his office shall be admitted in evidence in all courts with like force and effect as the original.

Violations of Sections 11 and 12—Misdemeanor.

Sec. 14. Every treasurer of a political committee, and every person who shall receive any money to be applied to any of the purposes mentioned in Section 9 of this Act, who shall either:

First—Neglect or fail to keep a correct book or books of account, setting forth all the details required to be set forth in the accounts and statements contemplated in Sections 11 and 12 of this Act, with intent to conceal the receipt or disbursement of any such sum received or disbursed by him or by any other person, or the purpose or object for which the same was received or disbursed, or to conceal the fact that there is any unpaid debt or obligation of such treasurer or committee, or the nature or amount thereof, or to whom owing: or

Second—Mutilate, deface or destroy any such book or books of account, with intent to conceal any fact disclosed thereby: or

Third—Fail to file the statement and account contemplated by said Section 12 within the time required by law, shall, on conviction be punished by fine of not less than fifty nor more than five hundred dollars or by imprisonment for not more than six months or by both such fine and imprisonment.

Repeal Clause.

Sec. 15. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 64.

AN ACT TO AMEND SECTION TWO OF CHAPTER 103 OF THE ACTS OF THE LEGISLATIVE ASSEMBLY OF NEW MEXICO OF THE YEAR 1909; AND PROVIDING THAT THE MONEYS OF THE BOARD OF TRUSTEES OF THE TOWN OF LAS VEGAS SHALL CONSTITUTE A PERMANENT SCHOOL FUND AND BE INVESTED IN CERTAIN INTEREST BEARING BONDS. *H. B. No. 262; Approved June 10, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Amending Sec. 2, Chap. 103, Laws 1909.

Section 1. That Section 2 of Chapter 103 of the laws of the Legislative Assembly of the Territory of New Mexico of the year 1909 be and it is hereby amended so as to read as follows:

Town of Las Vegas; Board Trustees Invest Moneys; School Fund; Approval District Court; Proviso.

Sec. 2. It shall be the duty of the Board of Trustees of the Town of Las Vegas to invest any and all moneys now in its hands, or which shall hereafter be received by it, excepting such amount as said court may deem necessary to pay the current and other necessary expenses of said board, in interest bearing bonds of the State of New Mexico, or of any county, municipality, district or political subdivision thereof, authorized to issue the same under the laws of this State, at not more than their par value, and bearing interest at the rate of not less than four per centum per annum; and the said moneys when so invested shall constitute a permanent school fund as hereinafter provided, the

principal of which shall be under no circumstances lessened or impaired, and shall remain inviolate: Provided, That no part of such moneys shall be so invested nor shall any bonds be purchased without the approval of the district court of San Miguel County, New Mexico: Provided, further, that any of said fund may be temporarily deposited with some bank or banks designated by said court, and the said board, upon certificate of deposit, bearing interest at the rate of not less than four per centum per annum: Provided, further, that at any time in the judgment of the district court of San Miguel County and the said Board of Trustees it becomes expedient, the whole of said interest or any part thereof may be applied to the maintenance of an industrial manual training school for boys and girls, which said school shall be located in the town of Las Vegas.

CHAPTER 65.

AN ACT REGULATING THE SALE AND PROVIDING FOR THE INSPECTION AND TESTING OF PETROLEUM OILS AND GASOLINE, AND REPEALING CHAPTERS SIXTY-SIX AND ONE HUNDRED AND TWENTY-TWO OF THE ACTS OF THE THIRTY-SIXTH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW MEXICO. *H. B. No. 249; Approved June 11, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Oils, Gasoline—Sale of Without Certain Test—Branding Receptacle—Evidence—Misdemeanor.

Section 1. That hereafter it shall be unlawful for any person, firm, company or corporation, or for any agent of any person, firm, company or corporation, to sell or offer to sell or give away for illuminating purposes any oil, fluid or substance which is a product of petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent element, which burns at a temperature of less than 120 degrees fahrenheit; or any gasoline for illuminating purposes which is of less than 63 degrees specific gravity; and it shall be conclusively presumed that all sales or offers to sell of any such oil or gasoline are for illuminating purposes unless the casks, cans or other vessels containing the same are plainly stamped, branded or otherwise

marked "Not for Illuminating Purposes," or some words equivalent thereto: and all such oil sold for illuminating purposes shall be stamped, branded or otherwise marked "Petroleum Oil for Illuminating Purposes, 120 degrees fire test," or some words equivalent thereto; and all gasoline sold for illuminating purposes shall in like manner be stamped, branded or otherwise marked "Gasoline, 63 degrees Specific Gravity, for Illuminating Purposes," or some words equivalent thereto. Any violation of, or failure to comply with, the provisions of this Act shall be deemed a misdemeanor and shall be punished by a fine not to exceed one hundred dollars or by imprisonment not to exceed one hundred days, or by both such fine and imprisonment, in the discretion of the court imposing the sentence.

Oils, Gasoline; Professor Chemistry—State Institutions—Official Inspector; Record.

Sec. 2. The professor of chemistry in each of the state institutions is hereby designated as an authorized public inspector and tester of such oils and gasoline, the state to furnish proper and necessary equipment for making inspections and tests, to cost not more than twenty dollars, to each of such professors of chemistry. It shall be the duty of any of such professors to inspect and test free of charge all samples of such oil and gasoline which may be brought or sent to him, and he shall keep a record of all such inspections and tests which shall show the time when, and the name of the person from whom the sample is received, the time when the inspection or test is made, and the result of such inspection or test, and he shall furnish a copy of such record to the person submitting the sample, and shall permit any person to examine such record at any proper time.

Repeal Clause.

Sec. 3. Chapters sixty-six and one hundred and twenty-two of the Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, and all other acts or parts of acts in conflict herewith, are hereby repealed.

CHAPTER 66.

AN ACT APPROPRIATING EIGHTEEN THOUSAND DOLLARS FOR THE IMPROVEMENT OF THE RIO GRANDE. *Amend. H. B. 146; Approved June 11, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Appropriation; Improvement Rio Grande River—Rio Arriba, Taos, Santa Fe, Bernalillo, Valencia, Sierra, Socorro, Dona Ana Counties.

Section 1. That the following amounts, or so much thereof as may be necessary, are hereby set aside and appropriated out of moneys in the hands of the State Treasurer to the credit of the "Rio Grande Income Fund" and the "Improvement of the Rio Grande Permanent Fund," for the permanent improvement of the Rio Grande: In the Counties of Rio Arriba, Taos, and Santa Fe, Five Thousand Dollars (\$5,000); in the County of Sandoval, Twenty-two Hundred and Fifty dollars (\$2,250); in the County of Bernalillo, Twenty-two Hundred and Fifty Dollars (\$2,250); in the County of Valencia, Twenty-two Hundred and Fifty Dollars (\$2,250); in the Counties of Sierra, Socorro, and Dona Ana, Six Thousand two hundred and fifty dollars (\$6,250).

Rio Grande River—Improvement, State Engineer—Supervision.

Sec. 2. Such work of public improvement shall be done and performed at such place or places as shall be determined upon by the State Engineer, and under his supervision and shall in his opinion be for the improvement of the Rio Grande or the increasing of the surface flow therein, under the provisions of the Act of Congress Approved June 1, 1898, in reference thereto. The moneys hereby appropriated to be proportioned by him in accordance with the needs of the work, or to be paid upon his order on the warrant of the State Auditor out of the moneys appropriated by section one of this Act.

Repeal Clause—Effect.

Sec. 3. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed, but this shall not be construed as repealing the provisions of Chapter 57 of the Laws of 1905.

Emergency; Act Effective Upon Passage and Approval.

Sec. 4. That it is necessary for the preservation of the public

peace and safety of the inhabitants of the State of New Mexico that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage.

CHAPTER 67.

AN ACT RELATING TO TOWNS AND VILLAGES, AMENDING SECTION SIXTEEN OF CHAPTER ONE HUNDRED AND SEVENTEEN OF THE ACTS OF THE THIRTY-EIGHTH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW MEXICO, AND VALIDATING ACTS OF TOWNS AND VILLAGES INCORPORATED UNDER ACTS REPEALED BY SAID SECTION. *H. B. No. 211; Approved June 11, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Towns and Villages—Incorporation of; Amending Certain Acts.

Section 1. That Section Sixteen of Chapter One Hundred and Seventeen of the Acts of the Thirty-eighth Legislative Assembly of the Territory of New Mexico, entitled "An Act providing for the incorporation of villages in the Territory of New Mexico," approved March 18th, 1909, be, and the same is hereby, amended so as to read as follows:

"Sec. 16. That Sections 2476 to 2492, inclusive, of the Compiled Laws of New Mexico of 1897; Chapter Fourteen of the Laws of 1899; Section Four of Chapter Seventy-eight of the Laws of 1899, and all other acts and parts of acts in conflict with this Act be, and they are hereby, repealed: provided, however, this Act shall not be construed to repeal Chapter Thirty-three of the Laws of 1901, but the provisions of said Chapter Thirty-three are hereby made to apply to towns hereafter to be incorporated under this Act: and, provided, further, that the sections, acts and parts of acts in this section mentioned shall not be construed as repealed as to towns or villages incorporated under any of the provisions thereof prior to the passage of this Act, as to all of which the said sections, acts and parts of acts shall be and remain in full force and effect."

Towns and Villages—Effect Repeal Clause—Validating Acts of.

Sec. 2. That the repeal of the aforesaid sections, acts and

parts of acts by Section Sixteen of Chapter One Hundred and Seventeen of the Acts of the Thirty-eighth Legislative Assembly of the Territory of New Mexico shall not be construed as having operated to disincorporate any town or village incorporated under and in accordance with the provisions of any of the sections, acts or parts of acts so repealed. All such towns and villages are hereby declared to be, and continuously from the time of their incorporation as aforesaid to have been, duly incorporated as such, and all acts of any and all officers or persons who have exercised or are exercising the functions of government in such towns or villages done in accordance with the provisions of such sections, acts or parts of acts, or other laws, are hereby validated, ratified and confirmed, and all such officers or persons, acting as aforesaid, are hereby declared to be duly authorized so to act, to the same extent, and with the same force and effect, as though said sections, acts and parts of acts had not been repealed.

Emergency; Act Effective Upon Passage and Approval.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage and approval.

CHAPTER 68.

AN ACT TO AMEND CHAPTER 136 OF THE ACTS OF THE THIRTY-EIGHTH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW MEXICO, ENTITLED "AN ACT RELATING TO SUPPLYING WATER TO CITIES AND TOWNS AND THE INHABITANTS THEREOF." APPROVED MARCH 18, 1909. *S. Sub. H. Sub. H. B. No. 153; Approved June 10, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:
Cities and Towns; Water Works; Lien for Water.

Section 1. That Section 1 of Chapter 136 of the Acts of the Thirty-eighth Legislative Assembly of the Territory of New Mexico be, and the same is hereby amended so as to read as follows:

"Section 1. That any incorporated city, town or village own-

ing its own water plant or any person or corporation having franchise from any such city, town or village, legally authorized and empowered to furnish water to such city, town or village or the inhabitants thereof, shall have a lien upon any lot or subdivision of such city, town or village for all legal charges for water furnished by such city, town, village, person or corporation and used upon such lot or subdivision or in or upon any buildings thereon situate; provided, that whenever any building, lot or subdivision in or upon which water is being used shall become vacant, it shall be the duty of the owner or former tenant to give notice in writing to the city, town, village, person or corporation owning the water plant or holding the franchise therein, that the said property is vacant and when such notice is so given no lien for water furnished after three days from receipt of said notice, shall be had against said property, and provided, further, that no lien shall exist for water which is not fit for the purposes for which it is supplied."

CHAPTER 69.

AN ACT TO PROHIBIT THE CONTRACTING OF DEBTS BY PUBLIC OFFICERS, BOARDS, BODIES, AGENCIES, AND THE MEMBERS THEREOF IN EXCESS OF SPECIFIC APPROPRIATIONS; ALSO TO PROVIDE FOR THE PURCHASE OF FOOD AND CLOTHING FOR THE INMATES OF THE PENITENTIARY, ASYLUM FOR THE INSANE, REFORM SCHOOL, INSTITUTE FOR THE BLIND, MINERS HOSPITAL AND THE DEAF AND DUMB ASYLUM WHEN SPECIFIC APPROPRIATIONS HAVE BECOME EXHAUSTED: ALSO REQUIRING DISTRICT COURTS TO CHARGE GRAND JURORS RELATIVE TO PROVISIONS OF THE ACT: ALSO TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF. *Amend. S. B. No. 92; Approved June 11, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

**Public Indebtedness—Public Official—Contracting Excess Authority
—Unlawful—Proviso.**

Section 1. Every officer, board, body or agency, or any member thereof, empowered to expend any public money or to direct the expenditure thereof, or to contract indebtedness against

or in view of specific appropriations, is hereby prohibited from making any contract, incurring any expense, or contracting any liability against this State, or any public fund thereof, which shall make, tend to make, or contemplate any excess of expenditure beyond the terms of the laws authorizing expenditures by them, or either of them, or under their direction; and it shall be unlawful for any trustee, superintendent, warden or other officer of any of the educational, penal, charitable or other institutions of this State, who, under the laws, has authority or may be vested with authority to purchase supplies, employ servants or assistants, contract indebtedness, or to do any act contemplating the expenditure of public moneys, to contract any indebtedness in behalf of such institutions or ostensibly against the State on account of such institutions in excess of the appropriations made for the maintenance and support thereof; but in respect to the Penitentiary, the Asylum for the Insane, the Reform School, the Institute for the Blind, the Miners Hospital and the Deaf and Dumb Asylum, if the specific appropriations therefor shall have become exhausted, food and clothing for the inmates thereof may be purchased on the credit of the State.

Id—Contracts for Food, Clothing—Resolution of Board.

Sec. 2. Before such food and clothing shall be purchased, in case of emergency, as provided in the preceding section; there shall be passed a resolution of the governing board of the institutions mentioned, respectively, setting forth the kind, quantity, quality, and estimated cost of such supplies, food and clothing, and the necessity therefor, and showing the state of the funds appropriated to such institutions respectively; and a copy thereof certified by the president, chairman or other head of such board, and attested by its secretary or clerk, shall be transmitted to the Governor, who, if he approve the same, shall return it to the board from which it came, with his approval thereon endorsed over his signature, and thereupon the purchases specified shall be authorized; but if he disapprove the resolution, he shall so notify the board aforesaid.

Violation of Act a Felony.

Sec. 3. Any person violating any of the provisions of this Act shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine not exceeding \$500 nor less than \$100, or by imprisonment in the penitentiary for not less

than six months nor more than one year, or by both such fine and imprisonment in the discretion of the court trying such cause.

District Judges—Duty—Grand Jury.

Sec. 4. It is hereby made the duty of the several district judges to call to the attention of grand jurors the provisions of this Act.

Repeal Clause.

Sec. 5. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 70.

AN ACT TO REPEAL SECTION 101 CHAPTER 1 OF TITLE 2 OF THE COMPILED LAWS OF 1897 RELATING TO KEEPING HERDS AT A DISTANCE OF THREE LEAGUES FROM SETTLEMENTS, ETC. *S. B. No. 168; Approved June 11, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Repealing Sec. 101, Chap. 1; Title 2, C. L. 1897.

Section 1. That Section 101 of Chapter 1, Title 2 of the Compiled Laws of 1897, prohibiting bringing herds within three leagues from a settlement, house or ranch, and providing penalties therefor, is hereby repealed.

CHAPTER 71.

AN ACT TO PROVIDE FOR THE PAYMENT TO GRANT AND LUNA COUNTIES OF THE MONIES PAID BY SAID COUNTIES AS INTEREST ON THE BONDS ISSUED BY GRANT COUNTY, AND WHICH WERE VALIDATED, APPROVED AND CONFIRMED BY ACT OF CONGRESS OF JANUARY 16, 1897, BY THE ISSUE AND SALE OF BONDS OF THE STATE OF NEW MEXICO. *H. B. No. 53; Approved June 12, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Counties—Grant, Luna; Bonds; Board Loan Commissioners—Duties.

Section 1. That the Board of Loan Commissioners of the

State of New Mexico provided for and created by an Act entitled "An Act in relation to the Debts and Liabilities of the Territory of New Mexico, and the Debts of the Counties thereof, assumed by the State of New Mexico, under its Constitution, etc.," approved on the first day of June A. D. 1912, shall ascertain and determine the amount of monies paid by the counties of Grant and Luna as principal and interest on the bonds issued by Grant County and which were validated, approved and confirmed by Act of Congress of January 16, 1897.

Counties—Grant, Luna; Bonds; County Commissioners—Duties.

Sec. 2. That the respective boards of county commissioners of Grant and Luna counties shall, within sixty days after this Act is in force and effect, certify to said Board of Loan Commissioners, the amounts of money so paid by said Grant and Luna counties, respectively, as principal and interest on the bonds so issued by Grant County and validated by Act of Congress of January 16, 1897, and the amount thereof paid by Grant County from the proceeds of taxes collected from taxpayers whose property is within that portion of Luna County which was formerly a part of Grant County.

Counties—Grant, Luna; Bonds; Board Loan Commissioners—Powers.

Sec. 3. That said Board of Loan Commissioners are authorized for the purpose of determining and ascertaining the amount of interest so paid by said Counties, to examine and inspect all books, and records of Grant and Luna counties, and all vouchers and other evidences of the payment of said interest, and all such books, records, vouchers and other evidences of the payment of said interest shall, upon written request of said Board of Loan Commissioners, by its secretary be forthwith produced and exhibited to the said Board of Loan Commissioners by the custodians thereof.

Counties—Grant, Luna; Board Loan Commissioners Issue Bonds to Reimburse Said Counties.

Sec. 4. That when the amount of monies so paid by the counties of Grant and Luna, respectively, shall be ascertained, it shall be the duty of the said Board of Loan Commissioners to issue negotiable coupon bonds of the State of New Mexico of Series "C" mentioned described in said Act approved the first day of June, A. D. 1912; except that the recitals contained in such bonds shall be in conformity with this Act and shall bear

interest at the rate of four per cent per annum, interest to be payable as the other bonds of said Series "C," and said bonds when issued shall be paid both principal and interest in the manner provided in said Act for the payment of the other bonds of said series, and shall be executed and registered as by said Act provided. When said bonds are issued as herein provided, they shall be delivered to the respective treasurers of Grant and Luna counties in the proportion to which said Board of Loan Commissioners shall determine each of said counties to be entitled, the amount of interest ascertained to have been paid by each county.

Counties—Grant, Luna; Bonds; County Treasurers—County Commissioners—Duty.

Sec. 5. The said treasurers of the respective counties of Grant and Luna shall hold said bonds subject to such disposition as may be determined upon by the respective boards of county commissioners of said counties.

Act in Effect—When.

Sec. 6. This Act shall be in force and effect ninety days from the adjournment of the present session of this legislature.

CHAPTER 72.

AN ACT TO CREATE THE OFFICE OF LEGAL ADVISER TO THE GOVERNOR OF THE STATE OF NEW MEXICO, PRESCRIBING HIS DUTIES AND FIXING HIS SALARY THEREFOR. *H. B. No. 210; Approved June 11, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Governor—Legal Adviser to—Office Created; Appointment—Qualifications—Duties.

Section 1. That the office of legal adviser to the Governor of the State of New Mexico is hereby created, and the Governor is hereby empowered and authorized to appoint some person as such legal adviser, who shall be learned in the law and shall have been an actual resident of the State of New Mexico and a practicing attorney thereof for a period of not less than three years immediately prior to his appointment to said position, and such legal adviser shall at all times be subject to the orders

of said Governor, and his duties shall be to advise the Governor upon all matters pertaining to his office, to prepare legal opinions and papers when requested so to do. The Governor may remove such legal adviser at pleasure.

Governor—Legal Adviser—Salary.

Sec. 2. Such legal adviser shall receive as full compensation for his services the sum of two thousand dollars per annum, payable quarterly out of any public funds not otherwise appropriated or required to pay the interest on the public debt.

Emergency; Act Effective Upon Passage and Approval.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage.

CHAPTER 73.

AN ACT PROVIDING THAT RAILROAD EMPLOYES MAY VOTE ELSEWHERE THAN IN THE PRECINCT IN WHICH THEY ARE REGISTERED AND QUALIFIED VOTERS WHEN NECESSARILY ABSENT FROM SUCH PRECINCT, PRESCRIBING DUTIES OF OFFICERS IN CONNECTION WITH SUCH VOTING, AND PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT. *H. B. No. 166; Approved June 11, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Elections; Railroad Employes—May Vote in Other Precinct than Residence.

Section 1. It shall be lawful for any railroad employe, who is a qualified elector of the State of New Mexico, who shall, on the occurrence of any election provided by law, necessarily be absent from the precinct and county in which he is a qualified elector, because the duties of his occupation require him to be elsewhere within the State, to vote for county, district or State officers, members of the Legislature, members of Congress and electors of President and Vice-President of the United States

in any voting precinct in any county of the State of New Mexico where he may present himself for that purpose on the day of such election under the regulations hereinafter provided.

Elections; Railroad Employees, Voting in Other Precinct—Requirements.

Sec. 2. The voter so desiring to vote may present himself at the polls in any precinct of any county of the State of New Mexico where he may be on such election day, during voting hours, and upon presentation of a certificate, duly signed by one or more members of the board of registration of the precinct of the county of which said person is a resident and qualified voter, setting forth the fact that said person is duly registered in such precinct and is a qualified voter of such precinct, according to law, and has made oath that he must on account of the duties of his occupation be absent from such precinct on election day, may cast his ballot for the officers and candidates specified in Section one hereof.

Elections; Railroad Employees Voting in Other Precincts; Judges Election—Duties.

Sec. 3. It shall be the duties of the judges of election of such precinct where said person presents himself, as hereinbefore stated, to receive said certificate together with the ballot cast by said person, pin the two together and securely seal the same in a stamped envelope, properly addressed, and mail the same to the county clerk of the county where such voter is a qualified elector not later than the third day after such election.

Election; Compliance With Preceding Sections—Effect.

Sec. 4. Upon compliance with the provisions of the preceding three sections, said voter shall be considered as offering to vote, and voting, in the precinct of which he is a qualified voter.

Elections; Id.; County Clerk—Duty; Canvassing Board—Duty.

Sec. 5. The county clerk of the county in which said absent voter resides, upon receipt of said ballot, shall safely keep and preserve the same in his office until the board of canvassers shall canvass the vote according to law, at which time the said board of canvassers, in the presence of said county clerk, shall record the said ballot upon the poll sheet of the proper precinct or ward in their possession, in the same manner as clerks of election record votes, and in so canvassing said vote, the board of canvassers shall count the votes of all absent voters received,

as herein provided, and add the same to the total of the poll sheet, in arriving at the total results of the election in the precinct or ward where said voters live.

Elections; Id.: Perjury—Felony.

Sec. 6. If any person shall wilfully swear falsely to the affidavit herein provided for, he shall upon conviction thereof be deemed guilty of perjury, and be punished as in such cases provided by law.

Elections; Id. ; County Clerk—Duty.

Sec. 7. It shall be the duty of the county clerk of each county to furnish to each and every person applying therefor a certificate of the class prescribed in section two hereof, and in addition thereto, within forty-eight hours prior to election day, shall furnish such person with a proper ballot.

Elections—Officers of—Neglect Duty—Misdemeanor.

Sec. 8. If the officers of election permit any person to vote as herein provided without receiving the certificate provided for, or shall neglect or refuse to perform any of the duties prescribed by this Act, they shall upon conviction thereof be deemed guilty of a misdemeanor and be fined not exceeding \$100.00. If any county clerk, or any member of any board of registration, or any member of the board of canvassers shall neglect or refuse to perform any of his duties prescribed by this Act, or shall violate any of the provisions of this Act, or shall reveal or divulge any of the details of any ballot herein provided, he shall upon conviction thereof, be adjudged guilty of a misdemeanor, and be punished by a fine not exceeding \$100.00.

CHAPTER 74.

AN ACT TO DETER CERTAIN SUITS IN COURTS OUTSIDE OF NEW MEXICO BY RESIDENTS OF NEW MEXICO IN CERTAIN CASES, AND PROVIDING FOR THE RECOVERY OF DAMAGES FROM SUCH RESIDENTS BY SUCH PERSONS SO SUED. *H. B. No. 24; Approved June 12, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Garnishment; Suits Outside State—Harassment of Debtor, Damages to Debtor.

Section 1. In all cases in which the owner of any matured

claim for money due, or any subsequent assignee thereof, shall bring suit thereon in any court outside of the State of New Mexico wherein the original creditor and debtor were both residents of this State at the time of making the contract and are such residents at the time of the filing of the suit above mentioned, and wherein service is sought to be obtained upon the defendant debtor by the garnishment of the personal earnings of defendant due him from any person, partnership or corporation upon which service of the garnishment summons could at the time have been obtained by bringing the action in the county wherein the debtor resides, the original owner of said claim, or any of his subsequent assignees aforesaid, or all of them severally or jointly shall be liable in damages to the debtor so sued without this State in the following items:

1. A reasonable attorney fee paid for defending or compromising said suit.

2. The reasonable expense of all trips to said foreign state to defend or compromise said action, including board, lodging and transportation of the debtor, his witnesses and attorney.

3. Five dollars per day for the actual number of days necessarily spent in defending or compromising said suit.

4. If the debtor be successful in the action for damage hereby authorized, then a reasonable attorney fee for the prosecution of the suit, to be assessed with the costs by the court and collected as part of the judgment and costs.

Sec. 5. An amount which the court or jury find the debtor would have been entitled to have had released from garnishment had the suit in the foreign court been brought in a court within the State of New Mexico, and the issue of exemption been tried according to the law of New Mexico, had the plaintiff by counter affidavit denied that there was any of the garnished earnings exempt by the laws of New Mexico.

The release of garnishment for any reason shall not abate the right of action for damages above created.

Repeal Clause.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 75.

AN ACT IN REFERENCE TO BRIBERY, ATTEMPTS TO BRIBE, AND OFFERS TO ACCEPT A BRIBE, AND PROVIDING PENALTIES THEREFOR.
S. B. No. 196; Approved June 10, 1912.

Be It Enacted by the Legislature of the State of New Mexico:
Bribery; Public Officials—Felony; Disqualification to Hold Office.

Section 1. Every person who shall give any sum or sums of money or any other present or reward directly or indirectly or who shall make any promise, contract, obligation or security for the payment or delivery of any money, present, reward or other thing of value to any supreme judge, district judge, or justice of the peace acting within the State, in order to obtain or procure any opinion, judgment or decree or to influence or corrupt any such judge or justice to be more favorable to one party than to the other in any cause or action or suit or matter pending or to be brought before said judge or justice; or shall directly or indirectly give any sum or sums of money, reward or present or make any promise, contract, obligation or security for the payment or delivery of any money, reward or present or other thing of value for the purpose of obtaining, securing or influencing the vote of any alderman, member of a city council, or town or village board of trustees, or any member of the legislature of the State, or for the purpose of influencing any such alderman or member of city council or board of trustees or of the legislature of the State, to be more favorable to one side in any action, election, appointment, matter or thing pending or to be brought before any city council, town or village board of trustees or the legislature or either house of the legislature, than to the other; and every person who shall give any money, present, reward, promise, contract, obligation or security or other thing of value, as aforesaid, for the purpose of bribing any of the person or persons hereinbefore named and the judge, justice of the peace, alderman, member of the board of trustees of any town or village, or member of the city council or member of the legislature of the State or [of] either house thereof, who shall in any way accept or receive or agree to accept or receive said money, present, reward, promise, contract, obligation or security for the payment of

money or any other thing of value, shall be deemed guilty of bribery, and upon conviction thereof shall be punished by imprisonment for a term of not less than one year nor more than five years. And forever be disqualified from holding office.

Bribery; Public Official—Influencing Appointing Power Etc.: Felony.

Sec. 2. Every person who shall directly or indirectly give any sum or sums of money or any present, or reward or any promise, contract, obligation or security for the payment of money, or shall give any other thing of value to any judge sitting within the State, or any justice of the peace, or state or county officer, or any officer or employe of any city, county, town or village within the State, or any member of the legislature or [of] either house thereof, or any other ministerial or judicial officer within the State, with intent to induce or influence such officer to appoint any person to any office or to execute any of the powers in him vested or to influence his action with reference to any matter pending before the said officer, or to perform any duty required of him otherwise than is required by law, with favor or partiality or any consideration, that such officer or officers shall appoint any particular person to any office, shall be guilty of bribery and upon conviction thereof shall be punished by imprisonment for a term of not less than one year nor more than five years.

Attempted Bribery; Public Officials.

Sec. 3. Every person who shall offer or attempt to bribe any member of the legislature or either house thereof, any alderman or member of any city council, or any member of any board of trustees of any town or village, or any county or city officer, or other ministerial or judicial officer, including any judge or justice sitting within the State, in any of the matters or things mentioned in the two preceding sections, and every person who, being a member of the legislature, alderman, or member of a city council or board of trustees of any town or village, or any county officer or other ministerial or judicial officer within the county or State, who shall agree or propose to receive any bribe or thing of value in any of the cases mentioned in the two preceding sections, shall be guilty of attempted bribery and upon conviction thereof shall be fined in a sum not less than one hundred dollars nor more than one thousand dollars

or by imprisonment not less than one year nor more than two years or by both such fine and imprisonment.

Emergency; Act Effective Upon Passage and Approval.

Sec. 4. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico that the provisions of this Act shall become effective at the earliest possible time and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage.

CHAPTER 76.

AN ACT RELATING TO THE ISSUE OF BONDS BY ANY INCORPORATED CITY, TOWN OR VILLAGE FOR THE CONSTRUCTION OR PURCHASE OF A SYSTEM FOR SUPPLYING WATER OR OF A SEWER SYSTEM.
S. Sub. S. B. No. 95; Approved June 11, 1912.

Be It Enacted by the Legislature of the State of New Mexico:
Cities, Towns, Villages; Waterworks; Bonds Issue for.

Section 1. That any incorporated city, town or village is hereby authorized and empowered, subject to the limitations and in accordance with the provisions of Article IX of the Constitution, to issue negotiable bonds for the purpose of securing funds for the construction or purchase of a system for supplying water, or of a sewer system for such city, town or village.

Cities, Towns, Villages; Waterworks; Bonds—Election—Publication—Ballots.

Sec. 2. That before any bonds shall be issued, the city council or board of town or village trustees, as the case may be, shall cause the question of issuing such bonds to be submitted to a vote of such qualified electors thereof as have paid a property tax therein during the preceding year; said election to be held at the same time as a regular election for councilmen, aldermen or other officers of such city, town or village, by ballots deposited in a separate ballot box. Said city council or board of town or village trustees, shall cause to be published at least once each week for four consecutive weeks immediately prior to said election in a newspaper of general circulation published therein, or if no newspaper is published therein,

shall cause to be posted not less than twenty-five nor more than thirty days before said election, in not less than eight public places within such city, town or village, a notice of the time and place or places of holding such election, and the purpose or purposes, for which such bonds are to be issued.

The ballots cast at such election on said question shall have printed or written thereon the words, "For water works (or sewer) bond issue" or "against water works (or sewer) bond issue" as the case may be; and such ballots shall be of uniform size and color.

Cities, Towns, Villages; Waterworks; Bonds—Election—Canvassing Votes.

Sec. 3. The vote upon such question shall be separately canvassed in the same manner as other municipal elections, and the clerk or recorder of said corporation shall make out a certificate as to the result, and cause the same to be spread upon the minutes of his board. In case a majority of those voting on the question, shall have voted in favor of creating such debt, then the city council or board of town or village trustees, shall issue the same and not otherwise.

Cities, Towns, Villages; Waterworks; Bonds—Provisions of—Sale Publication.

Sec. 4. Such bonds shall be issued in denominations of one hundred dollars or any multiple thereof, and shall bear interest at the rate not to exceed six per cent (6 per cent) per annum, payable semiannually, and shall become due and payable at such time or times not exceeding fifty years from their date and at such place or places within or without the state as the city council or board of town or village trustees shall determine. Provided, the city council or board of town or village trustees shall have the right to pay any such bonds at any time after twenty years from their date, and they shall be signed by the mayor of any such city or town or chairman of the board of town or village trustees, as the case may be, and by the city, town or village clerk, and the coupons shall be signed by the treasurer of such city, town or village, provided, however, that the fac-simile signature of such treasurer may be lithographed on the coupons. Provided further that such bonds shall be sold at not less than par and accrued interest to date of delivery, for cash only, to the highest and best bidder after publication of notice at least once each week for

four consecutive weeks immediately prior to the date of opening bids therefor in one newspaper published in or of general circulation in such city or town or village and also in one newspaper published at the State Capital and one leading financial newspaper published in the city of New York, State of New York, stating the amount, rate of interest, time of maturity and conditions of such bonds. And the treasurer of such city, town or village, before receiving the proceeds of the sale of such bonds, shall be required to give an additional bond sufficient to secure the amount of such proceeds unless his official bond already on file be sufficient in amount for such purposes.

Cities, Towns, Villages; Waterworks; Bonds—Taxation for Principal, Interest.

Sec. 5. The city council or board of town or village trustees is hereby authorized and required to levy and collect upon all the taxable property within such city, town or village subject to taxation, such taxes as may be necessary to pay the interest and principal of said bonds, and shall provide a proper sinking fund for the redemption of said bonds at maturity.

Cities, Towns, Villages; Waterworks; Bonds—Proceeds—How Applied.

Sec. 6. Such bonds or the proceeds thereof shall be used only for the purpose of constructing, acquiring, enlarging, improving or extending a system of water works or sewer system for such city, town or village, the acquisition of water or water rights, necessary real estate, right of way, privileges and easements, and necessary appurtenances for such system; and the proceeds of the same thereof shall be paid out only upon the order of the city council or board of town or village trustees, and upon a warrant signed by the mayor or chairman, countersigned by the clerk and drawn upon the treasurer. The treasurer of said city, town or village shall give an additional bond or undertaking to the city, town or village in an amount determined by the city council or board of town or village trustees to be adequate, conditioned for the safe keeping of such funds and the proper management and disposition thereof, which bond shall be approved by the city council or board of town or village trustees of such city, town or village.

Towns, Villages; Waterworks; Bonds Previously Authorized—Valid.

Sec. 7. The board of trustees of any town or village of less than one thousand inhabitants which has, prior to the going

into effect of the Constitution of the State of New Mexico, by ordinance and the affirmative vote of at least two-thirds of the electors therein qualified to vote on such question, authorized the issue of bonds not exceeding the aggregate amount or [of] fifty thousand dollars for the purchase or construction of water works, are hereby authorized to issue and dispose of such bonds in accordance with the provisions of this Act; and such bonds shall be valid to the same extent as though such town or village had contained the requisite population under the laws then in force, and as though such vote had been cast at a regular election for councilmen, aldermen, or other officers of such town or village.

CHAPTER 77.

AN ACT TO DISTRIBUTE THE FUNDS DERIVED FROM COLLECTIONS OF DELINQUENT TAXES ACCRUING PRIOR TO THE YEAR 1911.
Amend. S. B. No. 155; Approved June 12, 1912.

Be It Enacted by the Legislature of the State of New Mexico:

Taxes Delinquent Prior to 1911; Distribution; County Debts Preferred; Proviso.

Section 1. That all money collected and not distributed by the treasurers and ex-officio collectors of the several counties in the State on account of delinquent taxes accruing prior to the year 1911, shall be distributed as follows:

That portion of said taxes levied for State purposes of any character shall be paid into the State Treasury and by the State Treasurer covered into the State Road Fund; all of the remainder of said taxes shall be covered into the County Road Fund and County School Fund; provided, that the apportionment of the said taxes as between the said Road County Fund and the said County School Fund shall be made in the discretion of the county commissioners of each county; and provided further, that no part of said delinquent taxes shall be covered into said school fund or road fund until all valid floating indebtedness, outstanding and owing by the respective counties, evidenced by claims approved by the county commissioners prior to January first, 1911, shall have been fully paid.

Repeal Clause.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Emergency; Act Effective Upon Passage and Approval.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage.

CHAPTER 78.

AN ACT RELATING TO PROCEDURE BEFORE THE STATE CORPORATION COMMISSION AND THE POWERS AND DUTIES OF SAID COMMISSION. *Amend. S. B. No. 86; Approved June 12, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:
State Corporation Commission; Office—Location, Organization.

Section 1. **DEFINITIONS.** The terms "Commission" and "clerk" where used in this Act shall mean respectively the State Corporation Commission and the clerk thereof. The office of the Commission shall be located in the city of Santa Fe, New Mexico. The Commission shall annually elect one of its members chairman, who shall preside at hearings, and in the absence of the chairman, it may appoint any other member to preside.

Complaints and Grievances; Procedure—Intervention—Hearing.

Sec. 2. **COMPLAINTS AND GRIEVANCES.** Any person, firm, corporation, association, chamber of commerce, board of trade or any commercial, mercantile, agricultural, mining, manufacturing or other organization or common carrier complaining of any charge or rate of any railway, express, telegraph, telephone, sleeping car, transportation or transmission company or common carrier within this state or having any grievance against any railway company, transportation company or common carrier as to any matter within the jurisdiction of the commission under the Constitution of the State of New Mexico or laws made in pursuance thereof, may initiate a proceeding before the com-

mission by petition or letter to obtain such relief as is within the powers of the commission to grant. Such letter shall also be known as a petition, and a complaint of any charge or rate shall be known as a grievance. The commission may also, of its own motion, initiate a proceeding as to any such matters.

The petition shall set forth the facts constituting the grievance and shall contain a prayer for the relief demanded. Any party, other than the commission, initiating such proceeding shall be known as the petitioner, and the party or parties complained of and any party concerned therein other than the commission or the petitioner, shall be known as the defendant.

Any person, firm, corporation, association, chamber of commerce, board of trade or any commercial, mercantile, agricultural, mining, manufacturing, or other organization or common carrier, not parties may apply for leave to intervene in any proceeding and shall be heard therein and shall be known as an intervenor. Such intervention shall set forth the intervenor's interest in the proceeding. Leave granted on such application shall entitle the intervenor to appear and be treated in all respect [s] as a party to the proceeding.

It shall be the duty of the commission to endeavor by mediation to effect settlements of such grievances. In case no satisfactory settlement be effected, the commission shall, on motion by petitioner, or of its own motion, order a public hearing upon the matter set forth in the petition, which hearing shall be held not less than ten days after service of notice thereof upon the defendant.

Agent for Notice—Service—Appearance—Proof.

Sec. 3. NOTICE. Every railway, express, telegraph, telephone, sleeping car or transportation or transmission corporation doing business within the state shall designate, by written statement, filed with the commission, an agent in the City of Santa Fe, New Mexico, upon whom notice may be served of any hearing or motion in any proceeding before, or of any order made by the commission, which statement shall give the street number or building where such agent has his office. Notice of any hearing, stating the time and place thereof, shall be served upon the corporation complained of by delivering a copy thereof, accompanied by a copy of the petition to the designated agent of such corporation in the City of Santa Fe, or by leaving the same with some person over eighteen years of

age at the office of such agent. If such corporation shall have no designated agent in the City of Santa Fe as required by this act, such notice may be served by posting the same in the office of the commission. Notice of hearing shall be served upon any party to a proceeding not required by law to have a designated agent at the City of Santa Fe by delivering a copy of such notice to such party or statutory agent in New Mexico or by registered mail directed to such statutory agent or party, deposited in a post paid wrapper at the post office in the City of Santa Fe. When service is made by mail, at least fifteen days notice shall be given, and the time shall begin to run when the notice is deposited in the post office. Notice of the making of any order shall be given within five days after the making thereof. When any party has appeared by attorney, service upon such attorney shall be deemed sufficient service upon the party. Proof of service of any notice or process issued by the commission shall be by certificate endorsed thereon if the same be served by a clerk of the commission, or by affidavit of any other person appointed by the commission to serve such notice or process, accompanied by the return card if service is made by registered mail.

State Corporation Commission; Hearings—Continuance; Powers; Stipulation; Parties; Misjoinder; Findings—Order—Requirement.

Sec. 4. HEARINGS. At the time and place set for hearing, the parties interested may be heard either in person or by counsel and may introduce evidence. The commission shall, upon application and proper showing by either party, allow such reasonable time as may be necessary for the production of evidence and may adjourn or continue the hearing from time to time as may be deemed necessary or proper for the accommodation of the parties and the furtherance of justice.

Hearings may be held at the City of Santa Fe or any other place in the state designated by the commission and the commission is hereby authorized to use any court room in the state for hearings at any time when said hearing does not interfere with the business of the court. Each Commissioner or the clerk shall have power to administer oaths.

The parties to any proceeding may, by stipulation in writing, file with the clerk of the commission an agreement upon the facts or any portion thereof, which stipulation shall be regarded and used as evidence upon the hearing.

All matters upon which a grievance may be founded may be

joined in one hearing and no petition shall be dismissed on account of misjoinder of grievances or parties or because of the absence of direct damage to a petitioner. At the conclusion of the hearing the commission shall make its findings concerning the subject matter and facts inquired into and make and enter an order of its determination and decision based on such findings. Said order shall specify the time limit for compliance therewith, which time may, on application and for good cause shown, be extended by the commission in its discretion. Every order shall be signed by at least two commissioners, and attested by the clerk with the seal of the commission thereto affixed. A copy of such order certified by the clerk under the seal of the commission shall be served upon each of the parties to the proceeding.

State Corporation Commission—Quorum.

Sec. 5. **QUORUM.** Any two commissioners shall constitute a quorum to conduct hearings, decide motions and make orders, and the concurrence of at least two commissioners shall be required to make any order or determine any matter before the commission. The commission may, however, by writing under its seal, authorize any commissioner, its clerk or other person, to investigate and take testimony as to any matter pending before it.

Witnesses and Depositions; Powers—Process—Subpoenas; Contempt; Evidence.

Sec. 6. **WITNESSES AND DEPOSITIONS.** The commission or any examiner authorized by it to take testimony, upon application of either party, or of its own or such examiner's motion shall have power to issue process under the seal of the commission, to compel the attendance of witnesses to testify and the production of books, papers, tariffs, files and documents relating to any matter under investigation. Subpoenas for the production of any books, papers, tariffs, files and documents shall specify the particular books, papers, tariffs, files or documents relating to the matter in controversy which the witness is required to produce. In case of disobedience to a subpoena the commission or any party to a proceeding before it may invoke the aid of any court in the state in compelling the attendance and testimony of such witness, and the production of such books, papers, tariffs, files and documents, any such court may, in case of contumacy or refusal to obey the subpoena issued

by the commission or such examiner, issue an order requiring the appearance and attendance of such witness and the production of such books, papers, tariffs, files and documents, and any failure or refusal to obey such order may be punished by such court as a contempt thereof. The claim that the giving of any such testimony or evidence might tend to criminate the witness shall not excuse such witness from testifying or producing such evidence, but such testimony or evidence shall not be used in any criminal proceeding against him except for perjury.

The testimony of any witness may be taken by deposition at the instance of any party to the proceeding or the commission, in the manner as allowed by law in civil causes, but notice of intention to apply for a commission to take the answers of witnesses to interrogatories shall not be filed with the clerk of the commission, until the parties affected by the proceeding in which such testimony is desired to be used, shall have been served with the notice of hearing of the proceeding. Costs of taking depositions and witness fees shall be paid by the party applying therefor at the same rate as prescribed by the laws providing for depositions in civil causes.

In said laws, the State Corporation Commission, any commissioner and the clerk thereof, shall be substituted for the district court, the judge and clerk of the district court respectively, wherever such officers or said court are mentioned in such laws.

Witnesses—Fees and Mileage.

Sec. 7. FEES AND MILEAGE OF WITNESSES. Witness fees and mileage of witnesses appearing before the commission or an examiner, shall be paid at the same rates as provided by law for witnesses before the district court and shall be paid by the party at whose instance they are summoned. When any party requests the commission to summon a witness he shall, before subpoena issue, deposit with the clerk a sufficient sum of money to pay the fees and mileage of such witness. Witnesses summoned by the commission of its own motion shall be paid out of the contingent expense fund of the commission.

Documentary Evidence.

Sec. 8. DOCUMENTARY EVIDENCE. Where relevant and material matter offered in evidence is embraced in a report, tariff, rate sheet, classification, book, pamphlet or other written

or printed statement or document of any kind containing other matter not material or relevant, and not intended to be put in evidence, such report, tariff, rate sheet, classification, book, pamphlet, or other written or printed statement or document need not be received or filed with the commission, but counsel or party offering the same shall also present, in convenient form for filing, a copy of such material and relevant matter, which copy shall be received and filed as evidence and made a part of the record; or, whenever practicable, such matter may be read and taken down by the stenographer and thus made a part of the record.

Commission May Inspect Books and Records.

Sec. 9. TO INSPECT BOOKS, PAPERS AND RECORDS. The commission or any commissioner or person authorized by the commission in writing, under its seal to make such examination, shall have the right at all times to inspect the books, papers and records of all such companies and common carriers doing business in this state relating to any matter pending before, or being investigated by, the commission. Any officer, agent or employe of any such company or corporation, or any person, in charge of such books, papers and records, who shall refuse to permit such examination, or who shall conceal, destroy or mutilate, or attempt to conceal, destroy or mutilate any such books, papers or records, or remove the same beyond the limits of the state for the purpose of preventing such examination shall be deemed guilty of a misdemeanor and upon conviction thereof may be fined not to exceed five hundred dollars or imprisoned in the county jail not more than six months.

State Corporation Commission; Records—Certified Copies—Evidence.

Sec. 10. COPIES OF PAPERS OR TESTIMONY. Copies of any report, findings, decision or order of the commission shall be furnished without charge upon application to the clerk by any party to a proceeding. Copies of the testimony or the complete record shall be furnished by the clerk for which he is authorized to make and collect a charge of ten cents for each hundred words or fraction thereof. All the monies received for such copies shall be turned over to the state treasurer and credited to the State Corporation Contingent Expense Fund.

State Corporation Commission; Procedure. Rehearings.

Sec. 11. REHEARINGS. Rehearings may be granted to any

party by the commission in its discretion. An application for rehearing, or for the change or modification of an order or requirement of the commission, on account of facts and circumstances arising subsequent to the hearing or consequences resulting from compliance with such order or requirement, shall be by motion, which motion shall state specifically the grounds upon which said application is made, and the matters relied upon by the applicant. In case such rehearing is granted notice thereof shall be given in the same manner as notice of other hearings.

Record of Procedure and Testimony; Regulations.

Sec. 12. RECORD AND FILE OF COMMISSION. The clerk shall keep a complete record and separate file of each proceeding had before the commission. The testimony of witnesses shall be taken by a stenographer who shall transcribe the evidence, in triplicate. The original order, the evidence adduced at the hearing, transcribed as aforesaid, together with all exhibits and documents in the case shall constitute such file.

Removal of Order to Supreme Court.

Sec. 13. REMOVAL OF ORDER TO SUPREME COURT. Upon application of any party to a proceeding for an order of removal to the Supreme Court, of any order or in case of failure or refusal of any party to comply with such order within the time limit therein, the commission shall make an order of removal, stating the cause of such removal. The clerk shall immediately transmit to the Supreme Court, said order of removal together with the file of the proceeding and a copy of the record thereof duly certified by him. The Supreme Court shall give notice of hearing upon such order of removal as herein provided for notice of hearings before the commission.

Amendments; Supreme Court.

Sec. 14. AMENDMENTS. Upon application of any party, amendments to any petition or paper filed in any proceeding or investigation may be allowed by the commission or the Supreme Court in its discretion.

Rules of Procedure Published.

Sec. 15. FURTHER RULES. The Commission and the Supreme Court are hereby authorized and empowered to make and publish further rules of order, practice and procedure as

the Commission or Supreme Court may deem necessary or proper.

Tariff Schedules; Publication; Common Carrier—File.

Sec. 16. **TARIFF SCHEDULES; PUBLICATION.** Every transportation, transmission company and common carrier engaged in transportation of passengers and property from points in this state to points within, or beyond its limits, and from points in other states to points in this state and every such interstate company or common carrier shall file with the commission and shall print and keep open to the public inspection schedules showing the rates, fares, charges and classification for the transportation of persons and property within the state between each point upon its route and all other points thereon; and between each point upon its route and all points upon every other route leased, operated and controlled by it; and between each point on its route or upon any route leased, operated or controlled by it and all points upon the route of any other common carrier, whenever a through route and joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the several carriers in such through route shall file, print and keep open to the public inspection as aforesaid, the separately established rates, fares, charges and classifications, applied to the through transportation. The schedules printed as aforesaid, shall plainly state the places between which property and persons will be carried, and shall also contain classification of passengers or property in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the commission may require to be stated, all privileges or facilities granted or allowed, and any rules or regulations which may in anywise change, affect or determine any part, or the aggregate of, such aforesaid rates, fares and charges, or the value of the service rendered to the passenger, shipper or consignee.

Changes in Schedule; Notice Required.

Sec. 17. **CHANGES IN SCHEDULE; NOTICE REQUIRED.** Unless the commission otherwise orders no change shall be made in any classification, rate, fare, charge, rule or regulation which shall have been filed and published by such company or common carrier in compliance with the preceding section, except after thirty days' notice to the commission and to the public pub-

lished as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the changed rate, classification, fare or charge will go in to effect; and all proposed changes shall be shown by printing, filing and publishing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. The commission, for good cause shown, may, by order allow changes in rates without requiring the thirty days' notice and the publication herein provided for.

Concurrence in Joint Tariffs; Agreements.

Sec. 18. CONCURRENCE IN JOINT TARIFFS; CONTRACTS, AGREEMENTS OR ARRANGEMENTS BETWEEN CARRIERS. The names of the several companies or carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the commission; and where such evidence of concurrence or acceptance is filed, it shall not be necessary for the carriers filing the same also to file copies of the tariffs in which they are named as parties.

Emergency; Act Effective upon Passage and Approval.

Sec. 19. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist and this Act shall take effect and be in full force and effect from and after its passage.

CHAPTER 79.

AN ACT PROVIDING FOR THE ISSUANCE OF BONDS BY THE VARIOUS COUNTIES IN THE STATE OF NEW MEXICO FOR THE PURPOSE OF CONSTRUCTING AND REPAIRING ROADS AND BRIDGES. *S. B. No. 162; Approved June 12, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Highways—Bridges; County Commissioners Issue Bonds—Limitation.

Section 1. Subject to the provisions of this Act the boards

of county commissioners of the several counties in this State are hereby authorized to issue bonds for the construction and repair of roads and bridges within the limits of their respective counties to an amount, which including the existing indebtedness of said counties, shall not exceed four per centum on the value of the taxable property within any such county, as shown by the last preceding assessment for State and county taxes.

Highways—Bridges; Bonds—Amount—Provisions of.

Sec. 2. Said bonds may be issued in the aggregate amount to be determined by the board of county commissioners, and in denominations of one hundred dollars each or some multiple thereof, and shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, and shall become due within a period of not exceeding thirty years, but same may be made redeemable prior to their date of maturity as may be provided by order of the said board of county commissioners.

Highways—Bridges; Bonds; Petition by Electors; Special Election—Publication; Ballots—Provisions.

Sec. 3. Whenever there shall be filed with the board of county commissioners a petition signed by not less than ten per centum of the qualified electors in any county in the State who are tax payers therein, asking for the issuance of bonds for the purposes above specified in an amount to be designated in such petition, subject to the limitations of section one of this Act, said county commissioners, within thirty days after the filing of such petition, shall call a special election for the purpose of submitting to the people of the county the proposition of the issuance of bonds in accordance with such petition, and shall fix a date not less than sixty nor more than ninety days thereafter upon which a vote shall be taken thereon. Such call shall be published in at least one newspaper of general circulation in the county, once a week for four successive weeks, the last publication to be at least three days preceding the date fixed for said election. Ballots at said election shall have printed thereon the words "For the \$. Bond Issue for roads and bridges," inserting the amount of the proposed bond issue; and in a separate line under the same the words "Against the \$. Bond Issue for roads and bridges," inserting the amount of the proposed bond issue.

Opposite said lines there shall be a square in which the voters may make or stamp a cross to indicate whether they vote for or against said bond issue, and those voting for said bond issue shall do so by placing a cross in the square opposite the words "For the \$. Bond Issue for roads and bridges," and those voting against said bond issue shall do so by placing a cross in the square opposite, "Against the \$. Bond Issue for roads and bridges."

Highways—Bridges; Bonds; Election; Returns—Canvassing; Proviso.

Sec. 4. The election herein provided for shall be held under the same substantial provisions, and the votes cast for or against such bond issue shall be counted, returned, and canvassed and declared, in the same manner and subject to the same rules as votes cast for county officers, and if it appears that said proposed bond issue shall have received a majority of all the votes cast at such election as aforesaid, then the same shall have the effect of authorizing the board of county commissioners to proceed to the issuance of said bonds; but if a majority of the votes cast as aforesaid shall be against the proposed bond issue, then said bonds shall not be issued. PROVIDED, HOWEVER, that an election for the issuance of bonds shall not be held in any county oftener than once in any calendar year.

Highways; Bonds; Taxation—Principal, Interest—Officers—Duties.

Sec. 5. There shall be collected annually, in the same manner and at the same time as other county taxes are collected, such a sum in addition to the ordinary revenue of the county as shall be required to pay the principal and interest on said bonds as herein provided; and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such addition [al] sum. Such sum when collected shall be covered into the general fund, and the treasurer of any county issuing bonds as provided herein, shall transfer from such general fund to the interest fund thereof such an amount of money as shall be required to pay the accrued interest on the bonds theretofore sold, until the interest on all of said bonds so sold shall have been paid or shall have become due in accordance with the provisions of this Act.

Highways—Bridges; Bonds, "County Highway Sinking Fund."

Sec. 6. The treasurer of any county issuing bonds as aforesaid shall create a fund to be known and designated as the County Highway Sinking Fund, and on the first day of July of each and every year in which a parcel of the bonds sold pursuant to the provisions of this Act shall become due, shall transfer from said general fund to said County Highway Sinking Fund such amount of money as may be required to pay the principal of the bonds so becoming due and payable in such years. As the same becomes due, the principal of all such bonds sold shall be paid from such County Highway Sinking Fund, and as the same becomes due the interest on all bonds sold shall be paid from said interest fund. Both principal and interest shall be paid upon warrants drawn by the board of county commissioners upon the county treasurer, and the faith of the county issuing any such bonds shall be pledged for the payment of the principal of said bonds so sold and the interest accruing thereon.

Highways—Bridges; Bonds—Sale of—Appropriation of Funds.

Sec. 7. Immediately after the sale of bonds, as herein provided, the county treasurer and ex-officio collector shall pay into the county treasury and cause to be placed in the County Road Fund the total amount received for said bonds, and the monies placed in the said County Road Fund pursuant to the provisions of this section shall be used exclusively for the construction and repair of roads and bridges within the limits of the county.

CHAPTER 80.

AN ACT PRESCRIBING THE QUALIFICATIONS, DUTIES AND POWERS AND FIXING THE COMPENSATION OF THE INSPECTOR OF MINES; PROVIDING FOR HIS APPOINTMENT AND REMOVAL; AND FOR THE INSPECTION OF MINES AND THE PROTECTION OF THE EMPLOYEES THEREIN. *H. Sub. H. B. No. 213; Approved June 13, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Board of Examiners—Mines—Created; Appoint Mine Inspector.

Section 1. The State Engineer, the Governor and the Pres-

ident of the School of Mines shall constitute a Board of Examiners, who shall examine all applicants for appointment to the office of State Inspector of Mines as to their qualifications to hold said office. Said board shall examine all such applicants and the Governor shall, by and with the advice and consent of the Senate, appoint some qualified person so examined to said office.

Mine Inspector—Qualifications.

Sec. 2. No person shall be eligible to hold said office unless he be a citizen of the United States, at least thirty years of age, a resident of New Mexico for one year next preceding his appointment, and shall have had at least three years experience in the workings of coal mines in New Mexico, and at least five years of practical experience in the workings of coal mines in the United States, and have a practical knowledge of mining engineering, of mine timbering, of the different systems of working and ventilating coal mines, of the nature and properties of noxious and poisonous gases of mines, and of the methods of dispelling the same and guarding against explosions, and shall not be interested financially or otherwise in any coal mine or company operating any coal mine in the State.

Id.—Salary.

Sec. 3. The Inspector shall give bond to the State in the sum of three thousand dollars (\$3,000.00), and shall receive as compensation for his services the sum of two thousand dollars (\$2,000.00) per annum, payable monthly, and in addition actual and necessary transportation and traveling expenses.

Vouchers covering such expenses for each month, accompanied by sub-vouchers for the items thereof whenever practical, excepting railroad fares, shall be submitted to the State Auditor by the Inspector before any account of the Inspector shall be allowed.

Id.—Powers—Duties; Appeal to District Court.

Sec. 4. The duties of the Inspector shall be as follows, to-wit:

He shall:

(1) Make a careful and thorough inspection of every coal mine operated in the State as often as in his opinion may be necessary.

(2) Proceed without delay to any mine within the State when he learns of any explosion or other catastrophe therein by

which lives of men are jeopardized or in which fatalities have occurred, and render such aid as he can in the rescue of persons within the mine and in the protection of rescuers from danger.

(3) Shall give notice to the owners, operators or managers of any coal mine wherein he shall find improper construction or that said mine is not furnished with reasonable and proper machinery and appliances for the safety of miners and other employes, that said mine is unsafe, stating in what particular the same is unsafe, and shall require said owners, operators or managers to provide such additional machinery, slopes, entries, means of escape, ventilation or other appliances necessary to the safety of miners and other employes of said mine within a period to be named in said notice.

(4) Shall inspect and pass upon the adequacy and safety of all hoisting apparatus in mines, and may demand a test of safety catches or clutches upon such hoisting apparatus as often as once in every three months or whenever he may believe such hoisting apparatus to be defective; he shall conduct said test by detachment of the rope or cable at a point in the shaft or above the shaft where the cage may be arrested in its fall with as little wreckage of property as possible if the safety catches or clutches should prove defective.

(5) Within six months after the passage of this Act, he shall arrange a uniform system of mine bell signals after consultation with the engineers in charge of hoisting apparatus and the operators of mines within the State, and shall at once furnish a copy of the same to each mine owner, operator or manager within the state.

(6) Shall make an annual report to the Governor on or before the first day of December of each year; which said report shall cover the preceding fiscal year and shall contain a review of the official acts of the Inspector; statistics of the number of persons employed in and about the coal mines in the State and of the production and the estimated value thereof, and a resumé of the mining conditions generally existing in the State during the said year.

(7) The Inspector is hereby given authority at all reasonable times to enter and inspect any coal mine in the State and the workings and machinery belonging thereto in such manner as not to impede or obstruct the workings of the mine; to make inquiry into the state of the mine, works and machin-

ery thereof, the ventilation and mode of lighting the same, and all matters and things connected with and relating to the safety of employes in and about the mines, and especially to the end that the provisions of this Act shall be complied with by the owners, operators or managers thereof; to require that some person of practical experience and responsibility representing the owner, operator, or manager shall accompany the said Inspector upon such trips of inspection through the mine in order that the Inspector may point out and specify any defects in the mine, in the methods of mining and in the equipment and construction thereof, which defects may violate any of the provisions of this Act.

And to require that the owner, operator or manager shall at all times furnish means necessary for such entry, inspection, examination and inquiry.

The Inspector shall make an entry of record in his office of the time and material circumstances of each inspection.

(8) Every owner, operator or manager of any such mine shall have a right of appeal to the district court in the county wherein such mine is situated, as to the necessity or reasonableness of the order or requirements of the Inspector under any of the provisions of this Act.

Id.—Owners Allow Inspection—Misdemeanor.

Sec. 5. Every owner, agent, manager or lessee of any coal mine in this State shall admit the Inspector for the purpose of making examination and inspection, provided for in this Act. Any owner, agent, operator, manager or lessee who shall refuse to allow such inspection to be made shall, upon conviction, be deemed guilty of a misdemeanor, and shall be fined in a sum not less than fifty dollars nor more than five hundred dollars, or by imprisonment not less than one nor more than three months, or by both such fine and imprisonment.

Coal Mines; Owners—Duties—Safety Provisions—Misdemeanor.

Sec. 6. (1) In all coal mines, the owner, lessee, manager or operator shall provide at least two shafts, slopes or other outlets separated by natural strata of not less than fifty feet in breadth, by which shafts, slopes or outlets, distinct means of ingress or egress shall always be available to the employes in said mines; and in no case shall a furnace shaft be deemed an escape shaft.

(2) In all coal mines operated by shafts, a safe and stable

stairway shall be provided by the owner, lessee, manager or operator and placed in the second opening or escape shaft, which stairway shall be set at an angle not greater than fifty degrees, shall not be less than two and one-half feet wide in the clear, shall have a substantial hand rail throughout its entire length with stations not more than thirty feet apart, each station having a substantial platform or landing at least three and one half feet wide and five feet in length; provided, that in no instance shall a ladder way be considered as a compliance with the foregoing requirements.

(3) Reasonable care shall be used by every owner, operator, manager or lessee to provide safety catch or clutch and a good and substantial iron bonnet or over-head cover on every cage, used in lowering or hoisting persons, in every shaft operated in mines in the state.

(4) All machinery or appliances used for transportation of persons in said mines shall be provided with adequate safety appliances and shall be inspected at regular intervals by competent persons for that purpose, appointed by the owner, lessee, operator or manager of the mine.

(5) Every shaft, slope or drift opening used for an escapeway from coal mines, shall be traversed throughout its entire depth or length and regularly and carefully inspected by a competent employe designated by the owner, lessee or operator for that purpose once a week, which said employe shall report upon the condition of such escapeway, and shall make a record of such inspection, which record shall show the date of each inspection and the condition of the escapeway, inspected, which said record shall at all times be open to the Inspector.

(6) Every operator of any coal mine which shall have attained a distance of one hundred feet in depth of shaft or length of slope, entry or drift from the surface, or from the bottom of the shaft, shall use all reasonable means to provide an adequate amount of ventilation of not less than one hundred cubic feet of pure air per minute for each person at work in said mine and not less than three hundred cubic feet of pure air per minute for each mule, horse or burro used in said mine, and to cause such air to be forced by proper appliances through said mine to the face of each and every working place in such a manner as to render harmless and expell therefrom all dangerous or poisonous gases; and shall use reasonable care at all

times to keep all workings in operation in said mine free from standing gas.

(7) At least four safety lamps, four electric hand lamps and four masks or helmets provided with a supply of oxygen or air sufficient to sustain respiration for the user thereof for at least one hour, shall be kept for rescue work by each company or operator at every coal mining camp where twenty-five or more men are employed.

(8) Every fan hereafter erected or constructed at any coal mine must be placed at least twenty feet distant from the side or mouth of the shaft entry or slope with which it is connected for ventilation purposes, and shall be as much as possible of fire proof construction; and explosion doors shall be provided in a direct line with the mine opening.

(9) In each coal mine which vents gas, which, in combination with air, will induce or maintain an explosive condition, it shall be the duty of the operator to keep constantly employed one or more experienced men whose duty it shall be to act as fire bosses, whose duties it shall be to carefully inspect all working places in said mine by making tests for gas with a safety lamp within three hours before each working shift enters said mine and to make a written record of the conditions in the mine after each examination, in a book to be kept for that purpose; said fire bosses shall mark with chalk on the face of the room his initials and the date and hour of the examination as proof to the miner that his working place has been examined. Any fire boss discovering standing gas in any workings or openings in any coal mine, shall immediately place a danger sign at the entrance of the place where such standing gas is found and at such distance therefrom as would give timely warning to any person carrying an open light. Said fire boss or gas watchman shall then proceed with and complete his examination of said mine, placing like signs before each working place where standing gas is found; and thereupon shall proceed to take the necessary steps to improve the ventilation and remove standing gas wherever found.

(10) In like manner and within the same time before any working shift enters the mine, the fire boss shall examine all accessible gobs and abandoned workings in said mine which there is reason to believe might accumulate gas in dangerous quantities. Naked lights shall not be used in any ventilating district between the place where safety lamps are necessary to

be used and outside opening of the return airway. The owner, operator or manager of every coal mine shall use reasonable care to provide that all brattice cloth used shall be fireproof cloth, and that doors therein shall be made as fireproof as possible by painting with fireproof paint or covering with metal; that rags or other inflammable material shall not be used to stop leaks; that doors must be hung in such a manner as to close automatically; and that all over-casts constructed after the passage of this Act shall be of stone or other fireproof material.

(11) It shall be the duty of the operator, owner or manager of every coal mine to provide an ample supply of timbers and to cause the same to be delivered on the pit car, at the request of the miners, as near as practicable to the places where the same are to be used. The operator shall not store or knowingly permit to be stored any powder or other explosive in any coal mine, nor knowingly permit to be taken into any coal mine powder or other explosive in a greater quantity than may be required for use in one shift, unless such quantity be less than five pounds, and shall not knowingly permit black powder or powder not in cartridge form to be carried into the mine, except in metallic canisters, unless such powder is to be distributed by the shot inspector or used by the shot firer.

(12) The operator shall not knowingly permit to be used for illuminating purposes in any coal mine any oils other than pure animal or vegetable oils or other oils as free from smoke as a pure animal or vegetable oil, provided, however, that any material as free from smoke and bad odor and of equal merit as an illuminant as a pure vegetable oil, may be used.

(13) It shall be the duty of the operator of any mine in the event of a fatal accident occurring therein, to at once make a brief report of the same by telegraph or telephone to the Inspector; and within ten days thereafter it shall be his duty to make and transmit a full and complete report in writing to the Inspector of any such accident. It shall also be the duty of the operator to keep a complete record of all accidents which may occur in the mine operated by him at said mine, to which record the Inspector shall have access.

(14) It shall be the duty of the operator to exercise reasonable care to employ experienced, competent and sober men as shot firers, fire bosses, and engineers in charge of hoisting apparatus or engines, or in charge of explosives.

(15) It shall be the duty of the operator to install and maintain a telephone system in every coal mine to such extent as may be reasonably required for the operation thereof.

(16) It shall be the duty of the operator of every coal mine to supply at least two drags for each rope trip in all inclines and slopes to be attached to the rear end of the hind car, ascending such inclines or slopes, for the purpose of derailing the car in case the rope or couplings should break or any car become detached.

(17) It shall be the duty of any operator of any coal mine employing twenty or more miners to employ shot firers to fire the shots therein, except where some approved mechanical or electric shot firing device is used; said shots shall be fired between working shifts, when all miners and other employes, except shot firers and employes doing repair work, shall be out of the mine. When the miners are allowed to load and tamp the holes, the operator shall provide tamping consisting of some incombustible substance, which shall be delivered to points convenient to working places.

(18) It shall be the duty of the operator of every coal mine where traveling roads are not provided and wherever workmen are compelled to travel the haulage road in the course of their ordinary duties, to provide a clear space, two feet in width, on one side of such haulage way or where such clear space is not provided he shall provide refuge holes, six feet in height, four feet in width and three feet in depth, on one or both sides along such haulage ways at intervals of not more than one hundred feet apart, and said refuge holes shall be kept whitewashed or painted white so as to be easily distinguished from the rib adjacent thereto; said operator shall also maintain similar refuge holes on main slope haulage ways.

(19) When a uniform code of mine bell signals has been arranged by the Mine Inspector as provided by this Act, a copy of such code of signals shall be maintained in each hoisting engine house in plain view of the engineer in charge thereof and a similar copy thereof shall be maintained at each level or entry in said mine from which persons or coal are hoisted.

(20) Any operator of any coal mine who shall wilfully fail or refuse to comply with any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less

than one month or more than three months, or by both such fine and imprisonment.

Coal Mines; Miners—Other Persons—Duties—Unlawful Acts—Misdemeanor.

Sec. 7. (1) It shall be unlawful for any miner to enter any mine or part of a mine generating explosive gas until it shall have been examined by the fire boss and by said fire boss reported safe.

(2) It shall be unlawful for any person to brush firedamp from any place in a coal mine by means of a coat, brattice cloth, sack or any article which might be used by a movement of the same with arms or hands.

(3) It shall be unlawful for any person employed in or about any coal mine wherein a traveling way is provided, to travel upon the haulage road where rope or motor haulage is employed; except the track walker or the track repairer or timber men when in the performance of work necessary upon such haulage road, and the Inspector, mine superintendent, pit boss, fire boss or other officials in the inspection of such roads or other necessary duties. Such haulage road shall not be used for ordinary means of ingress or egress to or from the mine.

(4) It shall be unlawful for any person to tamp any drill hole in any coal mine with slack coal, drill dust or other ordinarily combustible material.

(5) It shall be unlawful for any person other than the trip or rope rider, or his assistant or assistants, in any coal mine, to ride on or between the cars, entering or coming out from any mine or on or between the cars being moved within the mine, except in case of emergency; provided, however, that passengers may be hauled when the engineer or person in charge of the trip has been notified thereof.

(6) It shall be the duty of every coal miner to take down all dangerous coal, slate, rock or other material in his working place, or to make the same safe by proper timbering. It shall be unlawful for any coal miner to work or remain in any unsafe or dangerous place in a coal mine, knowing the same to be such, except for the purpose of remedying such condition, or for any owner or operator to require him so to do.

(7) It shall be unlawful for any person to load or ignite any shot hole in any narrow working, in any coal mine, until such working shall be either undermined, or cut or sheared on one side, to the full depth of the hole to be fired. Narrow workings

are hereby defined as entries, room-necks, break-throughs or cross-cuts between entries and rooms; provided, however, that the provisions of this sub-section shall not apply where prospect entries or new openings are being made to determine the practicability of opening a mine.

(8) It shall be unlawful for any person in any mine to wear a pit lamp in his cap or to have an open light within five feet of any place where he is handling loose powder, caps or detonators, or preparing explosive cartridges of any kind.

(9) It shall be the duty of every shot firer in coal mines to inspect all shot holes before igniting any shots or blasts. He shall begin igniting the shots to be fired at such place that he can proceed with the firing in a direction opposite from that which the air is traveling. Whenever in his opinion any of the working places are too dry, dusty or otherwise dangerous, or that the drill holes is improperly placed, or that an overcharge of explosive is used, or that it is improperly tamped, or that the shot hole is in any particular defective, or if in the opinion of the shot firer the exploding of such shot would be a menace to himself or other person within the mine, or would cause undue wreckage of timbers or property, it shall be his duty to condemn such shot or drill hole, and refuse to ignite such shot or allow it to be ignited until such defective conditions are remedied.

(10) Any person violating any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or by imprisonment in the county jail not exceeding thirty days or by both such fine and imprisonment.

Coal Mines; Shot Firers—Others than regular Employees Acting—Misdemeanor.

Sec. 8. It shall be unlawful for any person other than a regularly employed shot firer to ignite any shot within a coal mine where shot firers are employed, except in rock work entry or development work where it is not deemed necessary to employ regular shot firers, or in case of absence or inability of the shot firer to attend to such duty, in which event some person who is experienced may be appointed by the mine boss to ignite shots. Any person violating any of the provisions hereof, shall, upon conviction, be fined not less than fifty dollars nor more than five hundred dollars, or be punished by imprisonment for not less than thirty days nor more than two years.

Coal Mines; Shot Firer—Interfering With or Embarrassing—Misdemeanor.

Sec. 9. Any person who shall, by violence, abusive language or innuendo, injure, humiliate or embarrass any shot firer because of said shot firer having condemned any shot hole, shall, upon conviction thereof, be punished by a fine of not exceeding one hundred dollars or by imprisonment for not less than thirty days nor more than one year.

Coal Mines; Electrical Apparatus—Unlawfully Interfering with—Misdemeanor.

Sec. 10. Any person who shall wilfully remove, break or destroy any electric light bulb which is installed and in use, or to be used in or about any mine in the State, or shall cut, detach or in any manner interfere with any electric light or electric wire in any such mine without consent of the operator or person in charge shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

Coal Mines; Ventilation Apparatus—Mine Fixtures—Unlawful Interference—Misdemeanor.

Sec. 11. Any person who shall wilfully obstruct or do any act which may interfere with the free passage of air through any ventilation circuit, or who shall wilfully remove, break, destroy or damage any apparatus or equipment in or about any mine used for ventilation purposes, without consent of the person in charge of said mine, or any person who shall wilfully remove, break, destroy, damage or otherwise molest any mine equipment for whatever purpose used in or about any mine, or impede the operation thereof, without consent of the person in charge of said mine, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Coal Mines—Building—Equipment—Wilfully Setting Fire to, Etc.—Felony.

Sec. 12. Any person who shall wilfully set on fire or ignite or cause to be set on fire or ignited any building, equipment or anything whatsoever at or within any mine when any person is present in such mine at the time, shall be deemed guilty of a felony, and upon conviction thereof, shall be imprisoned for not

less than five years nor more than twenty-five years, provided, however, that if the life of any person be lost through the ignition or causing to be ignited of any such building, equipment or other thing as in this section provided, the person setting or causing to be set such fire shall be deemed guilty of murder in the first degree, and shall be dealt with according to the law at the time in force prescribing the penalty for such offense.

Coal Mines; Inspector—State Provide Office, Fixtures, Equipment.

Sec. 13. The State shall provide for the use of the Mine Inspector a suitable office with fuel and light, provided with necessary furniture, fixtures, files and supplies for properly conducting his business as herein provided; and shall further provide for the use of the Inspector an anemometer, a barometer, safety lamps and other appliances and instruments necessarily required in the work of Mine Inspector.

CHAPTER 81.

AN ACT DEFINING AN ARTESIAN WELL AND TO REGULATE THE USE OF SAME, AND THE USE OF STORAGE RESERVOIRS AND DITCHES CONNECTED THEREWITH, AND TO PREVENT THE WASTE OF SUBTERRANEAN FLOWS OF ARTESIAN WELLS, DEFINING SAME AND PROVIDING PUNISHMENT THEREFOR, AND TO REGULATE THE DRILLING OF ARTESIAN WELLS AND PROVIDING FOR BOND BY DRILLERS TO COMPLY WITH THE LAW; PROVIDING FOR THE CREATION OF ARTESIAN WELL DISTRICTS, CREATING THE OFFICE OF ARTESIAN WELL SUPERVISOR AND ARTESIAN WELL COMMISSIONERS AND THE ELECTION OF SAID COMMISSIONERS, FIXING THEIR COMPENSATION AND PROVIDING THE MODE OF REVENUE TO MEET THE SAME, AND TO REPEAL CHAPTER 64 OF THE ACTS OF THE THIRTY-EIGHTH LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW MEXICO ENTITLED "AN ACT TO REGULATE THE USE OF ARTESIAN WELLS, STORAGE RESERVOIRS AND DITCHES CONNECTED THEREWITH, AND TO PREVENT A WASTE OF SUBTERRANEAN FLOWS OF WATER, AND FOR OTHER PURPOSES. APPROVED MARCH 17, 1909," AND TO REPEAL CHAPTER 17 OF THE ACTS OF THE 37TH LEGISLATIVE ASSEMBLY OF THE TERRITORY

OF NEW MEXICO. *Amend. S. B. No. 65; Approved June 13, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Artesian Well—Defined.

Section 1. An artesian well, for the purposes of this act, is hereby defined to be an artificial well which is sunk into the artesian strata or basin, and which does or does not flow to the surface by natural pressure or from which water can be or is raised to the surface by mechanical means; provided, that nothing in this act shall be [so] construed as to apply to water flowing from mineral shafts.

Id.—Public Nuisance—When; Misdemeanor.

Sec. 2. Any artesian well that is not tightly and securely cased, capped and furnished with such mechanical appliances at the well as will readily and effectively arrest and prevent the entire flow of the water from such well either above or below the earth's surface is hereby declared to be a public nuisance. The owner, tenant or occupant of the land upon which such well is situated who causes, permits or suffers such public nuisance, or suffers or permits it to remain or continue, shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars, at the discretion of the court trying the case, and each day shall constitute a separate offense.

Id.—Allowing Water to Waste—Punishment.

Sec. 3. Any person owning an artesian well, or his employe or agent in charge of such a well, who causes, suffers or permits the water to unnecessarily flow from such well or to go to waste, shall be punished as hereinafter provided.

Id.—Waste of Water—Defined—Proviso.

Sec. 4. Waste from artesian wells for the purposes of this Act, is defined to be the causing, suffering or permitting the water in any artesian well to reach any porous substratum before coming to the earth's surface or to flow from such well unnecessarily upon any land, or directly into any river, creek or other natural water course or channel, or into any lake or pond, or into any street, road or highway, unless to be used on land for beneficial purposes under the constant supervision of the person using such water, or his employe. Provided, that this

section shall not be so construed as to prevent the use of such water for domestic purposes or the proper irrigation of agricultural lands by direct flow or from storage reservoirs furnished by such wells, or to ornamental ponds or fountains, or for ponds used for the propagation of fish.

Id.—Conducting Through Ditches, Pipes—What Distances Lawful—Proviso.

Sec. 5. That it shall be unlawful for any owner or persons using the water from an artesian well to conduct the water from such well to a distance greater than one and one-half miles when such water is conducted through any earth ditch or two and one-half miles when such water is conducted through any concrete ditch, and in no case shall water from an artesian well be allowed to run more than two and one-half miles, except for drilling purposes (and except where such water shall be conducted in pipes to be used for domestic or industrial purposes) from a well supplying the same, before such water is applied to beneficial purposes. Provided, however, that the provisions of this section shall not apply to any well constructed prior to the passage of this Act, from which water has been conducted distances greater than in this section provided.

Id.—Watering Stock—Devices Necessary—Misdemeanor.

Sec. 6. It shall be unlawful to use water from artesian wells for the purposes of watering stock except where such water shall be carried through pipes to watering troughs fitted with float feeds or other means of control to prevent waste therefrom. Any violation of the provisions of this section shall be deemed a misdemeanor and shall be punished as hereinafter provided, and each day in which such violations shall continue shall be deemed a separate offense.

Id.—Drilling—Contract for—Bond; Requirements—Proviso.

Sec. 7. It shall be unlawful after the passage of this Act for any persons to undertake the drilling of artesian wells within any known artesian [well] district, or to put down to the known artesian well flow of water, any well orifice without having first made, executed and delivered to the judge of the district court a good and sufficient bond in the sum of five thousand dollars (\$5,000.00) with either personal or bonding company surety; which said bond shall be conditioned for the faithful performance of the contract for the construction of such well, and when said well is completed it shall conform to and comply with the

provisions of this Act. Said bond shall be made to the State of New Mexico and shall be for the benefit of any persons who shall contract with such contractor for the construction of an artesian well or well reaching artesian flow, and such persons may sue thereon in the name of the State of New Mexico, and recover on such bond any sum which shall be found by the court to be due him as damages for conditions broken; provided, however, that on the completion of any well the contractor or driller shall notify the artesian well supervisor in writing and it shall then be the duty of the supervisor to inspect such well within six days after the receipt of such notice, and if in the opinion of the artesian well supervisor such well shall be in perfect condition he shall issue to the owner of the well, or his authorized agent, a certificate of acceptance, upon the receipt of which the owner may pay for the well; and further provided that at the end of ninety days from the receipt of notice of the completion of such well from the said contractor, the said artesian well supervisor shall again inspect such well and if such well shall in his opinion be found to conform to the provisions of this Act he shall thereupon issue to the contractor or driller of such well a certificate of acceptance, which certificate shall be a complete release of such contractor or driller of the obligation of his bond as to such well.

Id.—Casing—Essentials of.

Sec. 8. All wells of every description and for every purpose that shall be put down to the artesian stratum or basin shall be cased with standard line drive pipe of first-class quality and shall be of the following weights and dimensions: 4-inch pipe to be not less than ten pounds per foot; 5-inch pipe to be not less than fourteen pounds per foot; 6-inch pipe to be not less than 18.76 pounds to the foot; 8-inch pipe to be not less than twenty-eight pounds to the foot; ten inch pipe to be not less than forty pounds to the foot; and 12-inch pipe to be not less than forty-nine pounds to the foot. Provided, however, that nothing in this section shall be so construed as to prevent the use of lighter pipe in weight for the surface casing; and when such surface casing is once set in a well it shall not be removed. No pipe shall be used for the permanent casing of a well that has been previously used for drilling purposes, provided, that this shall not apply to surface casing. The main casing shall be set with steel shoe in all cases.

Id.—Casing—Inside Liner's; Commissioners Settle Disputes; Appeal.

Sec. 9. All wells constructed in the artesian well basin or district and which shall penetrate any artesian strata or basin shall be so constructed as to confine and conduct to the surface any and all main flows, and all flows not so conducted to the surface shall be securely and permanently cased off and sealed; and in no case shall the use of inside liners of pipe of any description be used unless absolutely necessary for the preservation of the flow of the well. In all cases where such liners are to be used, the artesian well supervisor shall be so notified and shall designate the amount, size and kind of line to be used.

In the event of any dispute or disagreement between the supervisor or the well owner or contractor as to the methods to be used, such dispute shall be referred to the county artesian well commissioners, whose decision shall be final unless appeal be taken to the district court within ten days.

All pipe used in the construction of artesian wells shall be permanently and securely set into rock in every case.

Id.—Drilling—Contractor Shall Keep Complete Data.

Sec. 10. The contractor drilling any artesian well or any well orifice put down to the artesian basin shall keep a complete record of the depth and thicknesses and character of the different strata penetrated, together with the data of the work when begun, when the work was finished, the amount of casing and how placed, the number of inches of flow from such well above the casing, all of which he shall verify under oath; when the well is completed he shall file such data verified as aforesaid with the artesian well supervisor prior to the acceptance of the well by the supervisor.

Id.—Supervisor Take Acknowledgments.

Sec. 11. The artesian well supervisor is hereby commissioned and qualified to accept and to take any and every acknowledgment necessary under this Act, and he shall take the same free of all charge.

Id.—County Well Board—Members—Election of—Powers—County Districts; Well Commissioners—Duties—Appeal—Meetings—Supervisor—Salary.

Sec. 12. To provide for the carrying out of the provisions of this Act, the several county artesian well boards or commissioners who may be in office at the time of the passage of this

Act and who were so elected at the last regular annual convention of the well owners for the election of members of such board as provided for in Section 13 of the Artesian Well Act of 1909, shall continue to remain in their respective offices as is provided for in the aforesaid section. The said county artesian well board shall at all times be composed of three members and the members of such board shall serve in classes one, two and three years and at an annual convention of the artesian well owners of each county, to be held on the first Monday of February of each year, there shall be elected one member of the said board who shall fill the expiring term; providing, however, that said convention shall divide the county into three artesian well districts numbered one, two and three, respectively, at its next annual meeting, and the well owners of district No. one shall then and there elect an Artesian Well Commissioner from said district to serve for a period of three years; that the following year district No. 2 shall in like manner elect an Artesian Well Commissioner from district No. 2; and that the following year district No. 3 shall in like manner elect an Artesian Well Commissioner from District No. 3, and thereafter each district shall in like manner elect an Artesian Well Commissioner in the foregoing rotation; provided, if the owner of any well cannot be present at any election he may authorize his tenant in possession of his well to vote, but no one else shall be so authorized.

Said Board of Artesian Well Commissioners shall elect one of their members to serve as chairman and one member to serve as secretary of such board and it shall require at least two members of such board to legally conduct any meeting thereof.

It shall be the duty of such Artesian Well Board to give thirty days notice by publication in some newspaper in general circulation located at the county seat of the time and place selected for the holding of each annual election as is provided for by this section.

The members of the Artesian Well Board shall see that the provisions of this Act are faithfully carried out; shall act as a board of arbitration and as such shall decide all disputes that may arise between the artesian well supervisor and the owner or occupant of land upon which such dispute has arisen, or the person or persons drilling or constructing or repairing the well over which such disputes have arisen, and shall hold a session whenever an appeal is made to the chairman in writing

by either or any of the disputants; upon the receipt of such written appeal, the chairman of said Artesian Well Board shall immediately call a meeting of such board for the arbitration of such dispute, or shall set a date for such hearing as early as practicable, which time shall not be greater than ten days from the date of the filing of such appeal.

Unanimous decision of the County Artesian Well Board upon all matters brought before said board on appeal shall be deemed final, unless an appeal be taken from the decision of said board to the district court within ten days. If the disputants shall each state his contentions in writing and shall, in writing, agree to submit such disputed questions to the County Artesian Well Board as a board of arbitration, the unanimous decision of such board shall [not] only be final, but shall have the force and effect of the judgment of a court upon the parties thereto; provided, however, that any party other than the county artesian well supervisor appealing any question to the County Artesian Well Board shall accompany such appeal with a cost bond acceptable to said board.

Said board shall hold regular quarterly meetings on the first Saturday of the first month of each quarter and shall give notice by proper publication thereof, said notice stating the time and place for the holding of such meeting, at which time the board shall hear all matters properly brought before it.

It shall be the duty of the Artesian Well Board to employ the artesian well supervisor, who shall continue in office at the pleasure of such board and who shall perform the duties imposed upon him by this Act. Such supervisors shall be qualified by education and experience in artesian well matters and shall be a resident of the county for which he is appointed. The compensation of the artesian well board shall be at the rate of \$3.00 per diem for each and every day served by each member and the mileage shall be five cents per mile of actual travel incurred by each member in coming to and going from the meeting of said board.

Id.—Supervisors—Powers—Duties—Compensation.

Sec. 13. It shall be the duty of the artesian well supervisor so employed to inspect each and every flowing artesian well within his district at least once every three months and to inspect each well put down to the artesian basin, but outside the district of flowing wells at least once every six months,

and to keep an accurate record of all wells and the results of the inspection thereon, in books in his office, and which said books or records shall at all times be open to the inspection of the public.

It shall be the further duty of the artesian well supervisor to see that the provisions of this Act are faithfully carried out within his county or district, and for that purpose shall have all power conferred upon all officers enumerated in Section 15 of this Act. And it shall be the duty of the said supervisor to make complaint and appear against any persons violating any of the provisions of said Section 15.

The compensation of the artesian well supervisor shall be fixed by the County Artesian Well Board but in no case shall it be more than the total amount collected as license fees in any county, nor shall the said salary exceed eighteen hundred dollars per annum, which shall be full compensation for both time and expense; provided, however, that all records, office supplies and equipments which constitute a part of the records of said office or its proper maintenance, shall be paid for by the County Artesian Well Board out of the general artesian well fund.

The artesian well supervisor so employed shall receive his salary as provided for by this section to be paid to him quarterly by the county treasurer upon warrants drawn and signed by the board. Such supervisor shall give a good and sufficient bond in the sum of \$5,000 which shall be approved by the district judge and shall be conditioned for the faithful performance of the duties of this office, and any amount recovered upon such supervisor's bond shall be placed in the artesian well fund of such county, less ten per cent. attorney fees for the collection thereof by suit.

It is further provided that in cases where absolutely necessary and where demanded, for proper execution of the provisions of this Act, the County Artesian Well Board shall have the power to employ deputy supervisors, but in no case shall the total amount of money paid out by such board for the employment of deputy supervisors exceed the sum of six hundred dollars in any one year, and the deputy supervisors so employed shall in no case be retained longer than is absolutely necessary for the proper enforcement of this act.

Id.—Supervisor—Duties—Pressure Readings—Records.

Sec. 14. The artesian well supervisor shall make pressure

tests of all wells and shall keep a record thereof.

It shall be the duty of the artesian well supervisor to take pressure readings of all flowing wells at the same time as is provided for the tests of flows, and shall carefully preserve a record thereof in his office, which shall be completed and turned over to his successor in office, together with all other records. It shall also be the duty of the artesian well supervisor to make an annual report showing the general conditions existing within his respective district; which said annual report shall be made at the same time as is provided for the election of members of the artesian well board.

Id.—County Officers Institute Criminal Proceedings.

Sec. 15. It shall be the duty of the sheriff, county commissioners, road supervisors, city engineers, city, town and precinct officers, upon any complaint of any citizen within their respective counties, city or town, to institute criminal action for the violation of this Act committed within the county, city or town, and for that purpose may at all times enter upon the premises where such well is situated.

Id.—Application to Construct or Repair—Permit.

Sec. 16. All persons prior to the commencement of the construction or repairs of any artesian wells shall make written application for a permit to construct or repair such wells. Such applications shall be made to the artesian well supervisor in the county in which said well is to be located or to be repaired and it shall be stated in such application the location and the character of the work contemplated, or repair to such well, and the material proposed to be used, and in no case may work be commenced on such wells either in construction thereof or repairs thereon until the supervisor under the provisions of this section shall have issued his permit for the same. No permit shall be issued by the supervisor under the provisions of this section unless the work proposed and the materials proposed to be used shall conform in all respects to the provisions of this Act; and each artesian well supervisor shall either issue such permit or refuse the same, assigning his reasons therefor within ten days after a written request for such permit has been filed in his office.

Id.—Owners to File Sworn Statement.

Sec. 17. All persons or corporations now owning, controlling or using such artesian wells, or who shall hereafter own,

control or use any artesian wells, shall file a sworn statement in the office of the probate clerk in the county in which said well is situated, setting forth the date when such well is commenced, the date when completed, and the amount of water flowing therefrom, and the use made of the water from such well. The provisions of this section shall apply also to all wells drilled into the artesian basin from which water is obtained by pumping or other means, except that such statements shall contain the capacity of such pump or other means of supplying water from such wells instead of the flow; and, provided further, that it shall not be necessary to file an additional affidavit if such affidavit has already been made and filed under the provisions of Chapter 64 of the Laws of New Mexico of the year 1909.

Id.—Reservoirs For Storage—Size; Supervisor—Duty; Misdemeanor.

Sec. 18. When reservoirs are constructed to be used for the storage of waters in connection with artesian wells, the same shall not be greater in size than sufficient to hold the maximum flow of the waters from such wells in a continuous run of forty-eight hours; except where the maximum flow of such well is less than 300 gallons per minute, such reservoirs may be of a size sufficient to hold a maximum flow from such wells for a period of ninety-six hours.

Such reservoirs for the storage of waters shall not be used for any other purpose than storage of water for irrigation. It shall be the duty of the artesian well supervisor to inspect all reservoirs, main ditches and laterals, connected therewith as to construction, both in workmanship and material used, and to determine the loss therefrom by seepage and evaporation, and if such reservoir shows a loss of more than fifteen per cent during the period provided by the maximum run herein allowed by the provisions of this section, such supervisor shall notify the owner of such reservoir, or his agent, or the party using the same, that such reservoir is in defective condition and that it is not to be further used for the storage of waters until it is so repaired that it will not lose from seepage and evaporation more than fifteen per cent of the water during the maximum run from the well connected therewith. The use of such reservoir for storage purposes after the owner, his agent, or the person using the same, has received such notice shall be deemed a waste of water and a misdemeanor punish-

able as provided in this Act. Provided, however, that after repairs have been made upon such reservoir, it shall again be inspected by the artesian well supervisor, and, if found in his judgment to be so repaired or constructed to conserve the waters stored therein so that the loss by seepage and evaporation will not exceed fifteen per cent of the maximum flow of the well supplying the same during a continuous run of the hours permitted by this section, such supervisor shall issue to the owner or his agent or the person using such reservoir a written permit to again use such reservoir for storage purposes.

Id.—Irrigation—Amount Per Acre; Supervisor—Duty.

Sec. 19. The maximum amount of water that may be used on each acre of land to be irrigated shall not exceed three acre feet during any one year. In order to properly ascertain the amount of water to be used on the land irrigated and the amount of time each well shall be used, it shall be the duty of the artesian well supervisor to make actual measurements of the flow of each and every well, the first to be made between the dates of December first and February first, and the second to be made between the dates of July first and September first of each year, taking the average of the two measurements so made as a basis for the purpose of figuring the amount of time each well shall be in use for irrigation. All measurements and allotments shall be made under the direction of the supervisor and all measurements shall be made through or over a standard weir to be furnished by the Artesian Well Board, and no party shall at any time be allowed to use water from an artesian well for any purpose unless it be kept in complete control by the user. Provided, that it shall not be necessary to measure the flow of wells used exclusively for domestic purposes or delivery of pumping plants; and, provided further, that all wells shall at all times be kept in such condition as will permit the supervisor to promptly and conveniently take any and all tests or measurements required of him.

Id.—Waste of Water—Owners—Duty—Evidence; Inspector, Duty—Proviso.

Sec. 20. Any person owning any land or owning any interest in any land upon which is situated an artesian well or reservoir, or owning any artesian well or reservoir or any interest in any artesian well or reservoir who causes, suffers or

permits the water unnecessarily to flow from such well, or go to waste, or waste flow or seep from such reservoir, and who shall fail to stop, or to make diligent efforts to have such flow or waste stopped within thirty days after being notified in writing by the artesian well supervisor, such diligence consisting in securing the necessary material and men, and some well contractor who controls a well machine capable of doing the work, said capability to be determined by the artesian well supervisor by making whatever repairs upon said well or reservoir as are necessary to stop the flow of waste, shall be deemed to have refused to take such action to prevent waste, and the artesian well supervisor is thereupon authorized as required to cause the necessary repair to be made, or take whatever steps necessary to stop the flow of waste, plugging said well, if necessary, at any point which should be effective to stop said flow or waste, paying the expenses of such repairs or other work, including material or labor, out of the artesian well fund in the hands of the county treasurer resulting from fines from the violation of the provisions of this Act. Provided, that where the conditions justify such action, the board of county commissioners may, upon receipt of petition presented by the Artesian Well Board and wherein shall be stated the kind and amount of repair work contemplated as well as its necessity, transfer from any fund or funds which may at the time be available for the purpose to the credit of the artesian well funds, a sufficient amount to cover the cost of such repairs, and when any such amount shall have been collected as is provided by this Act, it shall be paid over to the county treasurer, together with a legal rate of interest thereon, and by him credited to the original fund from which it was drawn.

Id.—Waste—Repairs Lien on Land; Supervisor File Lien.

Sec. 21. The expenses incurred for the repairs of work aforesaid shall become a lien on the land, where such well or reservoirs are situated, and upon such well or reservoir, and the artesian well supervisor within twenty days after the completion of said repairs or work upon any well or reservoir, shall file for record with the county recorder of the county in which said land, well or reservoir is situated, a statement of the expenses or the amount thereof, the name of the owner or the reputed owner of the land, well or reservoir, and a description of the land, well or reservoir, to be charged with the lien,

sufficient for the identification, which claim must be verified by the oath of the artesian well supervisor.

Id.—Recorder Record Lien—Fee.

Sec. 22. The recorder must record the claim of lien in a book kept by him for the recording of liens generally and his fee for recording same shall be included in and be a part of said lien.

Id.—Lien—Foreclosure—Procedure.

Sec. 23. If the said lien is not paid and discharged within ninety days from the date of its filing with the county recorder, the artesian well supervisor shall in his official capacity and name institute suit in the district court for the foreclosure and the procedure therefor shall be the same as provided by law for the sale of real estate under foreclosure of mortgage.

Id.—Supervisor Pay Money Recovered For Repairs to County Treasurer.

Sec. 24. Upon the recovery by the well supervisor of any money expended by him upon the well, reservoir, main ditch or lateral, he shall immediately pay the same to the county treasurer for the credit of the fund from which it was drawn.

Id.—Violation of Any Provisions—Misdemeanor.

Sec. 25. Any person or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars for each offense. The artesian well supervisor or any officer charged with the enforcement of this Act as provided in section fifteen hereof may make complaint.

Id.—Fines Collected—Artesian Well Fund.

Sec. 26. All moneys received from fines imposed for the violation of the provisions of this Act shall be paid by the clerk of the district court to the county treasurer of the county in which such offense is committed and the said treasurer shall retain same in a separate fund, to be known as the artesian well fund.

Id.—Taxed to Provided Funds for Carrying Out Provisions.

Sec. 27. For the purpose of creating a fund for the payment of the salaries of the officers connected herewith and their expenses incident to the enforcement of this Act, a tax or levy

is hereby imposed upon each and every artesian well, such tax or levy to be determined by the County Artesian Well Board, in the following manner and subject to the following conditions: immediately after the measurements provided for by Section 19 hereof, and made prior to February 1st of each year are completed the artesian well supervisor shall prepare a detailed report or list, showing thereon the owner or owners, the location and amount of flow of flowing wells or the rated capacity of each pumping plant, and shall present the report so compiled to the board of artesian well commissioners at a meeting which shall be called by that board for the purpose of determining the amount of tax or levy to be placed against each well or pumping plant, said meeting to be held not later than the last Saturday in April of each year, and such board shall at that time assess all wells or pumping plants. The levy or tax so assessed shall be made upon a basis of the actual flow or rated capacity of each well or pumping plant expressed in gallons per minute or in the legal standard of measurement as adopted by the State if any be existing and in no case shall the total amount assessed against any well used for domestic purposes only, by one family, be more than one dollar per annum, or against any pumping plant be more than three dollars per annum, or against any flowing well be more than ten dollars per annum, and such levy or tax shall in no case exceed a sum which in the aggregate will defray the actual needed expenses incident to the enforcement of the provisions of this Act.

Id.—Tax Assessment Collected by County Tax Collector—Proviso.

Sec. 28. As soon as the amount of assessment to be levied for the creation of the artesian well fund is determined, the County Artesian Well Board of such county shall deliver to the supervisor a certificate showing the amount of levy to be placed against each well of the various classes and upon receipt of such levy certificate, the supervisor shall immediately deliver to the tax assessor of such county a copy of such certificate together with a complete and correct list of the artesian well owners of his respective district and the amounts to be assessed against such owners, and whose duty it shall be to see that the amounts so levied or assessed for the creation of the artesian well fund appear upon the tax rolls of the county and become a part of the taxes of the respective well owners;

all amounts being so collected by the tax collector shall be placed to the credit of a fund to be known as the artesian well fund, and no payment shall be made therefrom unless upon warrant drawn by the county artesian well board and signed by the chairman and secretary of such board.

All well taxes which may be delinquent at the time of the passage of this Act and not paid prior to the time of making the first levy as is herein provided shall be added to the said first levy and become a part thereof; provided, that when the title of any artesian well be vested in two or more parties it shall be the duty of such supervisor making such report to divide said levy equally between the several owners when practicable and when not practicable such levy is to be placed against the owner of the land upon which the well is actually located. Provided, further, that if this act be enacted at a time too late in the season to allow the collection of the artesian well fund for the current year as is herein provided it shall be the duty of the collector to provide such fund in the same manner and under the same provisions as are contained in Section 15 of the Artesian Well Act of 1909, after which time the provisions of this section shall become of full force and effect.

Emergency; Act Effective Upon Passage and Approval.

Sec. 29. This act shall take effect and be in force from and after its passage.

Repealing Certain Acts and Acts in Conflict—Proviso.

Sec. 30. The act of the Thirty-eighth Legislative Assembly of the Territory of New Mexico, approved March 17th, 1909, entitled "An Act to regulate the use of artesian well and storage reservoirs connected therewith, and to prevent the waste of subterranean flows of water, and for other purposes, and to repeal Chapter 17 of the Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico," and Chapter 17 of the Acts of the Thirty-sixth Legislative Assembly of the Territory of New Mexico, are hereby repealed, except the records obtained thereunder shall not be disturbed, and all other acts and parts of acts in conflict herewith are hereby repealed.

CHAPTER 82.

AN ACT TO PROVIDE FOR THE CREATION, ORGANIZATION AND MAINTENANCE OF THE STATE LAND OFFICE, TO DEFINE THE DUTIES AND AUTHORITY OF THE COMMISSIONER OF PUBLIC LANDS, TO PROVIDE FOR THE MANAGEMENT, CONTROL AND DISPOSAL OF THE STATE LANDS, FOR THE CARE AND THE DISPOSITION OF THE REVENUES DERIVED THEREFROM AND FOR THE SELECTION AND LOCATION OF LANDS HERETOFORE OR HEREAFTER GRANTED TO THE STATE. *S. Sub. S. R. No. 36; Approved June 14, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:
State Land Office Created; Commissioner—Powers.

Section 1. That a State Land Office is hereby created, the executive officer of which shall be the Commissioner of Public Lands, hereinafter called the Commissioner, who shall have jurisdiction over all lands now owned or hereafter acquired by the State, except as may be otherwise specifically provided by law, and shall have the management, care, custody, control and disposition thereof in accordance with the provisions of this Act and the law or laws under which such lands have been or may be acquired.

Commissioner; Seal; Contracts—Execution of—Evidence; Records; Powers.

Sec. 2. The Commissioner shall have a seal with an appropriate device thereon; and such seal affixed to any contract deed, lease or other instrument executed by the commissioner shall be prima facie evidence of the due execution thereof. Said Commissioner shall receive and pass upon all applications for leasing or purchasing State lands and timber; and shall execute and authenticate for the State all deeds, leases, contracts or other instruments affecting such lands. All such leases, deeds, contracts and grants heretofore or hereafter executed shall be entitled to record without acknowledgement, and record thereof in the county in which the land described therein is situate shall be constructive notice to all persons of the contents thereof. Said Commissioner shall have power to provide all necessary books, blanks, records, property, equipment and

appurtenances of every kind whatsoever for the proper management of said State Land Office and the lands under his control; to deed by quit-claim or otherwise to the United States any or all claims that the state may have in and to lands within any private land grant or reservation made or confirmed in pursuance of authority of Congress, or to such of its lands as may be needed by the United States or for reclamation of water power sites for the purpose of selecting indemnity lands therefor; also to such of its lands as may be desired by the United States for agricultural experiment purposes; to collect all monies due to the State for the lease, purchase or use of State lands; to receive all monies due the State derived from any State lands and credit said monies so received to the separate funds created for the respective purposes named in grants by Congress, or otherwise, and he shall pay over to the State Treasurer, on or before the tenth day of the next succeeding month, all such monies received during each month to be credited to the several funds respectively entitled thereto. He shall keep a full and complete record of all his official acts and shall submit to the Governor each year a report bearing date the first day of December, and at any other time on request, which shall contain a statement of the business and expenses of said State Land Office and the amount of monies received and turned over by him to the State Treasurer for each fund, together with such recommendations as he may deem proper for the better management and control of State lands. He shall cause to be printed biennially, for the use and information of the legislature, the annual reports thus made to the Governor for the two years preceding each regular session thereof, and he shall charge the cost of such printing to the State Lands Maintenance Fund hereinafter created. He shall make rules and regulations for the control, management, disposition, lease and sale of State lands and perform such other duties as may be prescribed by law.

Id.—How Qualify—Bond.

Sec. 3. Before entering upon the duties of his office the Commissioner shall qualify by taking and subscribing an oath as prescribed by the Constitution and by executing a bond to the State in the penal sum of fifty thousand dollars (\$50,000), conditioned for the faithful performance of the duties of his office, and which bond, together with said oath, shall be filed

in the office of the Secretary of State. If such bond be executed by a surety company, the expense thereof shall be paid out of the State Lands Maintenance Fund.

Id.—Assistants—Salaries.

Sec. 4. The Commissioner is hereby authorized to appoint and employ one assistant commissioner of public lands, who shall receive a salary of two thousand dollars (\$2000) per annum, payable monthly; one cashier, who shall also act as chief clerk, who shall receive a salary of one thousand eight hundred dollars (\$1800) per annum, payable monthly; three clerks at a salary of one thousand two hundred dollars (\$1200) each per annum, payable monthly; and one clerk at a salary of nine hundred dollars (\$900) per annum, payable monthly. He may also employ such additional assistance as may be required at an annual expense of not more than two thousand five hundred dollars (\$2500).

Id.—Powers—Prescribe Duties of Assistants—Expenses.

Sec. 5. The Commissioner shall prescribe the duties of his subordinates. Any subordinate may be required to give bond in such sum as the Commissioner may prescribe, conditioned for the faithful performance of his duties. If any such bond be executed by a surety company, the expense thereof shall be paid out of the State Lands Maintenance Fund.

All expenses incurred by the Commissioner or his subordinates in inspecting, appraising or investigating State lands shall be paid out of said fund. All expenses incurred by the commission composed of the Governor, Surveyor General or other officers exercising the function of the Surveyor General and Attorney General in directing, locating, inspecting, appraising and investigating State lands shall be paid out of said fund."

State Lands Maintenance Fund—Income From Lands—Disposition.

Sec. 6. Twenty per centum of the income derived from any State lands, except lands granted by the Enabling Act for payment of bonds of Grant and Santa Fe counties and the interest thereon, shall constitute a fund to be known as the State Lands Maintenance Fund.

Of the remainder of such income, that derived from school lands; also that derived from other lands granted to the State, the disposition whereof is not otherwise provided for by law,

shall be credited to the respective Income Funds hereinafter created.

Salaries—Expenses—How Paid.

Sec. 7. All salaries and expenses of the State Land Office shall be paid from said State Lands Maintenance Fund upon vouchers in duplicate, approved by the Commissioner, numbered consecutively, setting forth the accounts covered thereby, duly itemized, one copy to be retained in the State Land Office and the other to be filed with the State Auditor, and warrants for the payment thereof drawn by said Auditor upon said fund.

State Lands Maintenance Fund—Balance—How Apportioned.

Sec. 8. Any balance remaining in said State Lands Maintenance Fund on September thirtieth of any calendar year shall be apportioned by the State Auditor among the several funds from which derived.

Commissioner—Keep Separate Accounts of Funds; Deficiencies—Payment.

Sec. 9. The Commissioner shall keep separate accounts of filing fees which section eleven of the Enabling Act requires to be paid to the Register and Receiver for each final location or selection of one hundred and sixty acres; also of the costs of all advertisements required by law or departmental regulations to be made in connection therewith; also, wherever practicable, of all necessary costs and expenses which may be incurred in the management, protection, and sale or lease of all State lands; and shall charge all such expenditures and costs to the particular fund for the benefit of which the respective selections or locations are made.

Whenever there is not sufficient money in any such fund for the purposes above mentioned, the deficiency shall be paid out of any funds of the State, except interest on the public debt, and shall be repaid out of the proceeds subsequently derived from such lands: provided, this section shall not apply to lands granted for the payment of the bonds of Santa Fe and Grant counties, and the interest thereon, the expenses incident to the selection or location, management, protection and sale of which shall be defrayed in the manner prescribed by law; and provided further, that no portion of the expenses last mentioned shall be paid out of any monies derived from any other lands granted or belonging to the State.

Erroneous Payments—Correction.

Sec. 10. Any money erroneously paid on account of any lease or sale of State lands shall be repaid by voucher drawn by the Commissioner presented to the State Auditor who shall draw his warrant upon the State Treasurer for the amount thereof, who shall pay same out of the fund to the credit of which said money was placed.

State Funds—How Deposited.

Sec. 11. All monies derived from State lands, including permanent funds pending investment, shall be deposited by the State Treasurer in accordance with law regulating deposits of State funds.

State Lands—Subject to Lease.

Sec. 12. All lands now owned or hereafter acquired by the State shall be subject to lease as provided by law.

Id.—Leasing—Rent Appraisement.

Sec. 13. The minimum rent upon State lands shall be two per centum of their true value to be determined by appraisement as provided by law, but no lease shall be issued for less than ten dollars per annum.

Id.—Leases—Term of, Rent—Payable in Advance.

Sec. 14. All leases for grazing or agricultural purposes shall be for a term of not exceeding five years except as hereinafter provided. All rents shall be payable cash in advance, or if the lessee so elects may be divided into five equal annual payments, as follows: one fifth in advance, the remainder to be evidenced by four equal, joint and several promissory notes, of even date with the lease, signed by the lessee and by two other persons satisfactory to the Commissioner, due in one, two, three and four years respectively. All leases shall terminate on the thirtieth of September.

Id.—Previously Leased; Improvements—Agreement with Former Owner.

Sec. 15. Any person applying to lease and State lands upon which there are fences, buildings, reservoirs, ditches, dams, wells or other improvements or water rights appurtenant to said land belonging to another person or lessee shall before a lease shall be issued to him, file in the office of the Commissioner a receipt showing that the price of such improvements and water rights, as agreed upon between him and owner thereof,

or as may be fixed by the Commissioner, has been paid to such owner, or deposit with the Commissioner the price so agreed upon or fixed.

Id.—Rentals First Lien—Attachment, Lease—Forfeiture.

Sec. 16. Rentals shall constitute a first lien on any and all improvements and crops upon the land leased, prior and superior to any other lien or encumbrance whatsoever whether created with or without notice of the lien for rental due or to become due. When any rental is due and unpaid the Commissioner may forthwith attach, without attachment bond, all improvements and crops upon the land leased, or so much thereof as may be sufficient to pay such rental together with all costs necessarily incurred in the enforcement of such lien; and the enforcement of such lien shall work a forfeiture of such lease. The failure of any lessee of State land to pay the rental therefor when due or to furnish additional security for any deferred payment, when required by the Commissioner, shall be sufficient cause for declaring any such lease forfeited.

Id.—Application to Lease—Appraisalment—Essentials.

Sec. 17. Applications to lease or purchase State lands shall be made under oath, and applicants to lease shall, at their own expense, procure appraisements thereof to be made under oath by some disinterested and creditable person or persons familiar therewith. All statements contained in such appraisements, except as to the true value of the land appraised, must be based upon personal knowledge and not upon information and belief. No such appraisalment shall be conclusive upon the Commissioner.

Id.—Application to Lease; Perjury Felony.

Sec. 18. Any person or persons applying to lease or purchase State lands, or acting as appraiser or appraisers thereof, who shall knowingly and wilfully swear falsely as to any material matter contained in any application to lease or purchase any such lands, or in any appraisalment thereof, shall be deemed guilty of perjury, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment for not more than five years, or by both such fine and imprisonment.

Id.—Leases—Assignable With Permission Commissioner.

Sec. 19. With the consent of the Commissioner any lessee

may assign all his right, title and interest in his lease, or relinquish the same to the State, whereupon his lease shall be cancelled.

Id.—Leases—Renewal—Preferential Right.

Sec. 20. Any lessee of State lands desiring to renew his lease shall make application in writing to the Commissioner on or before the first day of August preceding the expiration of his lease; and any such lessee who has in good faith complied with all the requirements of his lease shall have a preference right to release for another term of years in accordance with the laws in force at the time of the expiration of his lease.

Id.—Leases—Violation of Terms—Non-Payment—Forfeiture; Co-Makers—Rights of—

Sec. 21. The violation of any of the terms, covenants or conditions of any lease or instrument in writing executed by the Commissioner covering State lands, or the nonpayment by any lessee of such lands of rental notes, except when lien therefor is enforced as hereinbefore provided, shall, at the option of the Commissioner, work a forfeiture of any such lease or instrument in writing, after thirty days' notice to the lessee, addressed to his last known postoffice address of record in the State Land Office, and to the other makers, if any, upon any such rental notes; provided, if within said thirty days the lessee shall fail to comply with demand made in any such notice, after the expiration of said period of time the other makers upon any such rental note may pay same and have the rights of any such lessee transferred to them. In default of payment of any such note or notes as aforesaid any creditor of the lessee may pay same and have the rights of any such lessee transferred to him.

Upon thirty days' written notice to any lessee the Commissioner may cancel any lease when he shall have application to purchase any land covered thereby; provided, no such cancellation shall become effective until the first day of October next after such notice.

Id.—Improvements—Value—Limitation—Fixtures.

Sec. 22. Except by the express written consent of the Commissioner, improvements upon leased State lands held under one lease shall be limited as follows: upon those leased for grazing purposes, fences only, at a cost not exceeding one hundred and fifty dollars (\$150.00) per mile, and necessary cor-

als, at a cost not exceeding two hundred dollars (\$200.00); upon those leased for agricultural purposes, fences at a cost not exceeding one hundred and fifty dollars (\$150.00) per mile for exterior boundaries and seventy-five dollars (\$75.00) per mile for inside cross-fences; barns, dwellings and all other buildings, at a total cost not exceeding six hundred dollars (\$600.00); wells and irrigation systems at a total cost not exceeding one thousand dollars (\$1000.00); and for improvements to the land, such as orchards, plowed land, crops, etc., the amount allowed shall be only the amount added to the natural value of the land by such improvement, but in no case to exceed a total of ten dollars (\$10.00) per acre for lands actually so improved. For the purposes of this Act fences and growing crops shall be considered as movable improvements, and all other improvements as permanent improvements.

Id.—Lease—In Possession—Preferential Right.

Sec. 23. Any person, association of persons, or corporation authorized to transact business in the State, occupying any lands the title to which is acquired by the State by operation of law, shall have a preference right to lease same in accordance with the provisions of this Act; provided application so to do is made within thirty days from and after the acquisition of such title. Persons, associations of persons, or corporations having domicile or paying taxes in the State, applying to lease State lands, shall in all cases be given preference provided the rental or royalty offered to be paid be at least equal to that otherwise obtainable.

Id.—Coal Land Not Sold But Leased; Commissioner—Powers—Permit.

Sec. 24. Lands belonging to the State and known to contain deposits of coal shall not be sold, but shall be leased by the Commissioner as hereinafter provided. Any person, association of persons, or corporation may apply under the provisions of this Act for an exclusive right to prospect for coal, for which purpose permit may be issued covering a specified area, conforming to legal subdivisions of not less than forty acres nor more than six hundred and forty acres, and for a term not exceeding one year, and upon such terms and conditions as the Commissioner may prescribe.

Id.—Coal Land—Permit—Development—Conditions.

Sec. 25. On or before the expiration of such permit, the

Commissioner may grant the applicant the right to develop and extract coal, in specified areas, for periods not exceeding five years, on such terms and conditions as are in accordance with customary methods of operation of coal mines and as will be to the best interests of the State; provided, that rental therefor shall be on a royalty basis, which shall be not less than eight cents per ton, payable quarterly. The minimum sum to be paid to the State under any such lease shall be as follows: for the first year, not less than three dollars per acre in the aggregate for the tract leased; second year, not less than four dollars per acre; and for each year thereafter during the life of the lease, not less than five dollars per acre. Any such lessee shall have a right to extend his development into, and extract coal from, any State lands contiguous or adjacent to the lands he has leased, and for such purpose a lease may be granted upon not exceeding six hundred and forty acres additional, when such additional area is tributary to the shaft, slope or other opening through which the lessee has developed or is developing the first acquired leased area, provided, that there shall not at the time be any other such lessee of such contiguous or adjacent lands.

Id.—Coal Land—Lease—Renewal—Preferential Right.

Sec. 26. At the expiration of any such lease, the lessee shall have the preference right of renewal, subject to such laws as may be in force at the expiration of his lease.

Id.—Coal Land—Lease; Engineer—Determine Tonnage.

Sec. 27. The Commissioner may employ some competent person, who shall measure the cubical contents of every opening from which coal has been extracted in every leased coal mine, and shall calculate the tonnage of coal extracted therefrom, using the specific gravity of the coal as a basis of calculation, and shall check the returns made by the lessee against such calculation, allowing a reasonable percentage for the usual lossess in mining and handling the production, and shall deduct for such bands of bone or rock as may be included in the coal seam, but unfit for fuel.

Id.—Coal Land—Lessee; Contiguous Lands—Leasing.

Sec. 28. The Commissioner may lease to the lessee of any State coal lands a tract of State lands, adjacent or contiguous thereto, not exceeding three hundred and twenty acres, when

such adjacent or contiguous lands are necessary to the development or operation of the coal lands leased, or for trackage, yards, dwellings, offices, or for any purpose incidental or necessary to the development or operation of the coal lands so leased. Any such lease shall terminate at the same time as the lease upon the coal lands. The rental for the land, prescribed to be leased by this section, shall be \$3.00 per acre per annum. Provided, that should such leased land be underlain with coal, the coal therein shall be subject to lease, and the lessee first mentioned shall not hinder nor obstruct any other lessee from extracting the coal thereunder, and shall surrender so much of said premises to any such lessee as may be necessary for mine equipment or buildings used in the immediate process of extraction of the coal; and the later lessee shall pay damages to the earlier as same may appear, be agreed upon, or as determined by arbitration in the manner prescribed by law.

Id.—Coal Land—Lessee, Mortgage on Improvements—Void; Bond

Sec. 29. The lessee of coal lands shall not mortgage any improvements placed by him on said lands, and any such mortgage shall be null and void.

A lease to develop and dispose of coal shall not be given until the applicant has filed a good and sufficient bond, to be approved by the Commissioner, conditioned for the faithful performance of the terms of such lease.

Id.—Coal Land—Lessee—Improvements—Right to Remove.

Sec. 30. On the termination of a coal lands lease, the lessee shall have the right to dispose of such buildings upon such lands as, in the opinion of the Commissioner, may be safely removed without injury to the lands, but the retiring lessee shall forfeit so much of his improvements as the Commissioner may deem necessary to withhold; provided, that if the Commissioner shall, at any time thereafter lease the premises and receive payment for such improvements so withheld, the amount so received shall be paid to the former lessee.

Id.—Coal Lands—Lease—Failure to Comply With Terms—Forfeiture.

Sec. 31. Failure by the lessee to comply with the terms and conditions of any such lease, shall work a forfeiture thereof at the option of the Commissioner, as herein provided with reference to other forfeitures.

Id.—Mineral Lands May Be Leased.

Sec. 32. The Commissioner may execute leases and contracts for the prospecting and development of any lodes or deposits of metals or minerals in rock in place upon or in any land now belonging to the State or which it may hereafter acquire.

Id.—Mineral Lands—Leased—Form of Location—Dimensions—Proviso.

Sec. 33. Any location upon lands of the State containing any lode or deposit of metals or minerals in rock in place shall be in the form of a rectangular parallelogram, except in case of a fractional area between prior appropriated lands, and such location shall not exceed 1500 feet in length by 600 feet in width in one lot, location or claim; and the right initiated by such location to extract metal bearing ores therefrom shall be limited by the side and end lines projected vertically downward. Provided, that for the purposes of this Act it shall not be necessary that the angles, at the corner boundaries of such lots, locations or claims, shall be absolutely correct angles of ninety degrees, but approximately right angles, to be corrected when surveyed, but without infringing upon adjoining lots, locations or claims.

Id.—Mineral Lands—Lease—Claim—Survey—Essentials—Plat.

Sec. 34. That before any lease shall be issued covering any mining claim located upon State lands, the location or claim shall be surveyed by some competent surveyor designated by the Commissioner. As far as possible the survey shall conform to the original boundaries marked by the location. The Survey shall be tied by a line, giving the distance and direction to the nearest section or quarter section corner, U. S. Survey; or if the nearest quarter section corner is more than a mile distant, then the tie shall be made to some permanent and conspicuous natural object, or to some durable monument, either of which shall be marked as a witness object for said claim. A reasonable compensation, (Consistent with the labor performed and expense incurred) shall be paid to the surveyor by the locator.

The surveyor shall file a plat of the survey, together with a copy of his field notes, in the office of the Commissioner. A copy of such plat and field notes shall be delivered to the locator by the surveyor making such survey.

Id.—Mineral Lands—Location Notice—Permit; Laws Applicable.

Sec. 35. Subject to the provisions of this Act, any person may make locations upon, and have the right to prospect, lodes or deposits as hereinabove described. Such locations shall be made in the manner prescribed by law applicable to the location of lode claims. A copy of any location notice made as aforesaid shall be filed in the State Land Office, for the filing of which a fee of one dollar shall be paid. Fees thus received shall be credited to the State Lands Maintenance Fund. Upon filing of such copy the Commissioner shall issue a permit to the locator granting him the exclusive right to prospect for ores or metals within the limits of said location for a period of ninety days from date of said location.

Id.—Mineral Lands—Lease—Location Sinking Shaft—Privileges—Rent—Royalty.

Sec. 36. If within said period of ninety days, the locator shall sink a shaft at least ten feet in depth upon the location, or shall drive a tunnel, adit or open cut in such location a depth of not less than ten feet below the surface, and shall discover ore in rock in place upon the location, upon application therefor the Commissioner shall execute in favor of such locator, or his assigns, a good and sufficient lease, granting the right to mine and extract ores from said location during a term of not exceeding five years from the date of such lease, subject to the payment of an annual rental of twenty-five dollars, payable annually in advance, in addition to which the lessee or his heirs or assigns shall pay to the Commissioner a royalty of two per centum of the cash returns from smelter, mill or other reduction process, from ores extracted from said location or claim, less transportation and smelting or reduction charges, accounting to be made for each shipment when returns are received by lessee, or at choice of Commissioner to be paid by smelting company or reduction works. Provided, that on deposits of precious or semi-precious stones in rock in place, a royalty of five per centum of the gross proceeds shall be paid by the lessee or his assigns, without any deduction for transportation or other charges.

Id.—Mineral Lands—Lessee Concealing Returns—Felony.

Sec. 37. Any lessee of mineral lands under this Act who shall conceal, or attempt to conceal any of such returns, or who shall in any manner defraud, or attempt to defraud, the State

out of any such royalty shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than three years, or both; and his lease shall be forfeited in the manner hereinbefore provided.

Id.—Mineral Lands, Commissioner—Powers—Inspect Records.

Sec. 38. The Commissioner, or his representative, shall have the right to inspect all records or books of account pertaining to the mining, extraction, transportation, reduction and returns of all ores taken from such leased lands.

Id.—Mineral Lands; Lessee—Heirs—Assigns; Renewal; Preferential Right.

Sec. 39. Any lessee of such mineral lands, or the heirs, successors or assigns of such lessee, shall have a preferential right to a renewal lease, or to purchase during the life of such lease, provided all terms and conditions of the expiring lease shall have been fully performed. In case of purchase by another, one year's notice to vacate shall be given to the lessee.

Id.—Oil, Gas Lands—Leases—Term of; Rent—Royalty.

Sec. 40. The Commissioner may execute leases for the extraction of petroleum and natural gas on and from any State lands, but no such lease shall be for a term exceeding five years or for an acreage exceeding one section. No such lease shall be made for less than twenty-five (\$25) dollars per quarter section, per annum, during the term of the lease, and in addition thereto said lease shall provide for royalty to be paid to the State of not less than five per centum of the gross value of all petroleum and natural gas products extracted during the term of the lease, payable quarterly. Failure on the part of any such lessee to comply with the terms and conditions of his lease shall work a forfeiture and cancellation thereof, as herein provided.

Id.—Saline, Oil, Gas Lands—Not Sold but Leased.

Sec. 40a. State saline lands and State lands known to contain valuable minerals, petroleum or natural gas in paying quantities, and sections of State lands adjoining lands upon which there are producing mines, oil wells or gas wells, or which are known to contain valuable minerals, petroleum or natural gas in paying quantities, shall not be sold, but may be leased as provided in this Act.

Id.—Saline Lands—Leased Royalty Basis.

Sec. 41. The Commissioner may execute leases for the extraction of salt from the saline lands and lakes belonging to the State. Such leases shall provide for a royalty on all salt extracted therefrom of not less than ten cents per ton payable quarterly.

Id.—Shale, Clay Deposits—Leased—Terms—Discretion Commissioner; Mortgage—Void.

Sec. 42. The Commissioner may also execute leases for the mining, extraction or disposition of shale, clay or other natural deposits in or upon, or products of, State lands, not herein otherwise provided for, upon such terms and conditions as he may deem for the best interests of the State, not repugnant to law. Any mortgage upon improvements on any such lands so leased shall be void.

Id.—Mineral Lands—Deposits—How Developed; Failure—Lease Forfeited.

Sec. 43. All lands under lease for extraction of coal or other deposits, shall be developed and operated in a workmanlike manner and with a view to development of the whole area tributary to the shafts, drifts, tunnels or other openings made, and failure of the lessee or his assigns to observe this provision shall be cause for cancellation and forfeiture of the lease thereon in the manner hereinbefore provided.

Id.—Irrigation—Reclamation—Sale; Commissioner—Powers.

Sec. 44. The Commissioner may contract with persons, associations of persons, or corporations to construct irrigation systems for the purpose of irrigating and reclaiming state lands, and for the sale of such lands or any portion thereof, upon such terms and conditions as he may deem for the best interests of the State, not inconsistent with the provisions of law.

Id.—Irrigation; Commission—File Proposal With.

Sec. 45. Any person, association of persons, or corporation desiring to construct any such irrigation system, shall file with the Commissioner a proposal in all respects in accordance with law governing irrigation projects and regulations by the Commissioner not inconsistent therewith.

Id.—Irrigation—Contract With Lessees—Rent Credit.

Sec. 46. The Commissioner may contract with lessees of State

lands to develop water thereon, and in consideration of any such improvement the lessee shall be credited with not to exceed one-third of the rental value of the land leased during the term of the lease.

Id.—Irrigation—Contracts; Certificate State Engineer; Application.

Sec. 47. Before any contract as provided in Sections 44, 45 and 46 shall issue, the applicant shall file with the Commissioner a certificate of the State Engineer showing a compliance with the laws, and regulations for the appropriation of water, and that applicant has the right to appropriate water for such purposes. Provided, that no such contract shall operate to prevent the cancellation, according to law, of any permit to appropriate waters of the State.

Id.—Occupying or Using Land Without Authority—Misdemeanor.

Sec. 48. Any person, association of persons, or corporation, in any manner entering upon, occupying or using for any purpose whatsoever any land belonging to the state, without having leased or purchased the same, or obtained a legal right to the use or occupation of the same, or any lessee of lands who shall not vacate same within thirty days after expiration or cancellation of his lease, or any person, association of persons, or corporation constructing a ditch, reservoir, railroad, tramway, public or private road, telegraph, telephone or power line upon State lands, without legal authority, or any person, association of persons, or corporation, whether lessee or not, committing waste upon any State lands or any lessee who shall use the lands leased for any purpose other than that specified in the lease, or purposes incident thereto, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, and in default of payment thereof by imprisonment not to exceed six months. Each day's violation of any of the provisions of this section shall constitute a separate offense.

Id.—Removing Timber, Ore, Deposits Without Authority—Misdemeanor.

Sec. 49. Any person who shall cut down, remove, destroy or injure, or who shall take, remove or carry away, any timber, trees or fire wood standing, growing or lying upon any State lands, or who shall extract or remove, or attempt to extract or remove, from any State lands, any stone, minerals, oil, gas, salt or other natural products or deposit, or any lessee

who shall permit the same to be done, without authority from the Commissioner, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 48 of this Act, and in addition thereto shall forfeit and pay to the State an amount double the value of material so cut, removed, destroyed, injured or extracted.

Id.—Lessee Protect From Waste, Trespass; Lease—Forfeiture.

Sec. 50. Every lessee of State lands shall protect the land leased by him from waste or trespass by unauthorized persons, and failure so to do shall subject his lease to forfeiture and cancellation in the manner hereinbefore prescribed, and the Attorney General may bring suit for damages caused by any such waste or trespass.

Id.—Lease; Fences—Maintain Gates—Persons Using Shall Close—Misdemeanor.

Sec. 51. Every lessee of State lands, who shall fence the same, shall erect and maintain gates at all intersections of public highways, and failure so to do shall constitute a misdemeanor, upon conviction of which the lessee so convicted shall be punished by a fine of not more than twenty-five dollars, and in default of payment thereof, shall be imprisoned not more than thirty days. Any person passing through such gate and failing to close the same shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by this section.

Id.—Fences, Gates—Maliciously Injuring—Felony—

Sec. 52. Any person who shall wilfully and maliciously cut, destroy or injure any gate or fence inclosing, in whole or in part, any State lands, including lands under lease or contract of sale, upon conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than five years or both.

Id.—Commissioners—Powers—Easements—Rights of Way.

Sec. 53. The Commissioner may grant rights-of-way and easements over, upon or across State lands for public highways, railroads, tramways, telegraph, telephone and power lines, irrigation works, mining, logging and for other purposes, upon payment by the grantee or grantees of the price fixed by the Commissioner, which shall not be less than the minimum price for the lands, used, as fixed by law.

Id.—Easements, Rights of Way—Interferring with Highways—Requirements.

Sec. 54. The location of any right-of-way through any canon, pass or defile shall not cause the disuse of any wagon or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway, where such road or highway may be necessary for the public accomodation; and where any change in the location of such wagon road is necessary to permit the use of such right-of-way or easement, the user of such right-of-way or easement, shall before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at his own expense in the most favorable location, and in as perfect a manner as the original road.

Id.—Leases—Agricultural Purposes—Clauses to be Inserted.

Sec. 55. In all leases of State lands for grazing or agricultural purposes there shall be inserted a clause reserving the right to execute leases for mining purposes thereon, or for the extraction of petroleum, natural gas, salt, or other deposit therefrom, and the right to sell or dispose of any other natural surface products of such lands other than grazing, agricultural or horticultural products; also a clause reserving the right to grant rights-of-way and easements for any of the purposes mentioned in section 53 of this act.

Id.—Improvements—Subject to Taxation.

Sec. 56. Improvements placed upon lands leased for grazing, agricultural or mining purposes shall be subject to taxation. In case of default in the payment of taxes on such improvements, and the sale thereof for such unpaid taxes, only the interest of the lessee shall be sold.

Id.—Sale of—Upon Deferred Payments—Taxation.

Sec. 57. All lands, or any interest therein, sold or contracted to be sold, under the provisions of this Act upon deferred payments shall be subject to taxation. On or before the first day of April of each year, the Commissioner shall furnish to the county assessors a list of State lands in their respective counties sold during the year ending on the last day of February previous thereto, which list shall show to whom sold, the purchase price and the amount actually paid. Provided, in no event shall any of such lands be assessed at a higher valuation

than similar lands in the immediate vicinity where same are located.

Id.—Sale of—Terms—Payment—Deed.

Sec. 58. State lands may be sold for cash, or upon payment in cash of one-tenth of the purchase price and payment of the balance in not to exceed thirty equal annual installments, with interest thereon at the rate of four per centum per annum, payable annually in advance. All payments shall be due and payable on October first of each year. In case of purchases for cash, deed for the land purchased shall immediately be issued in duplicate and one copy filed and recorded in the State Land Office and the other delivered to the purchaser. When sales are made upon the deferred payment plan, contract shall be entered into between the Commissioner and purchaser in such form as may be prescribed by the Commissioner. Upon full completion of any such contract deed shall be issued as aforesaid.

Should any purchaser die before the completion of his contract, the time for making the payment falling due on the first of October next after such death, may be extended by the Commissioner for one year.

Id.—Sale of; Improvements—Appraised; Appeal.

Sec. 59. Whenever any lands are sold upon which there are improvements or appurtenant water rights belonging to a lessee, the purchaser shall pay the appraised value of such improvements and water rights in addition to the price paid for the land. Before deed or contract is issued for such land, the purchaser shall file with the Commissioner a receipt showing that he has paid the owner the appraised value of such improvements and water rights or deposit the same with the Commissioner to be paid to such owner.

The value of such improvements shall be appraised by three disinterested persons selected in the following manner; one resident of the county wherein the land is situate to be named by such owner, one member of the board of county commissioners of said county to be designated by the Commissioner and one umpire to be selected by such appraisers in case they are unable to agree. If the Commissioner is dissatisfied with the award of such appraisers, he shall order a reappraisement by the same or different persons. The owner may appeal from

any award accepted by the Commissioner as hereinafter provided.

Id.—Sale of; Failure to Comply With Terms—Forfeiture—Proviso—Notice—

Sec. 60. Failure by a purchaser of State lands to comply with the terms and conditions of his contract of purchase shall, at the option of the Commissioner, work a forfeiture of such contract after notice as prescribed by Section 21 of this Act.

In case of forfeiture all monies theretofore paid on any such contract shall remain the property of the State.

Id.—Sale of Under Deferred Payments; Contract Assignable—Proviso.

Sec. 61. Any purchaser of State lands under deferred payment contract, not in default as to any payment, may assign all right, title and interest under any such contract; provided, certified copy of the assignment shall be filed with the Commissioner before same shall become effective.

Id.—Townsite Purposes; Rules and Regulations.

Sec. 62. Whenever any of the State lands shall be valuable or desirable for townsite purposes, the Commissioner may cause or permit the same to be subdivided into suitable tracts, or surveyed into lots and blocks, with the usual reservations for streets, alleys and public purposes, and shall cause appraisalment of such lands to be made and prescribe rules and regulations for the use and occupancy thereof, and may lease or sell such lots, blocks and subdivisions in accordance with law.

Id.—Cemetery or School Site Purposes; Regulations.

Sec. 63. Should any State lands be valuable or desirable for cemetery or school site purposes, the Commissioner may subdivide and sell such lands for such purposes in accordance with law.

Id.—Purchaser of May Pay for With County, State Bonds.

Sec. 64. Any purchaser of State lands may tender in payment for said lands any bonds issued by the State for the payment of State or county indebtedness and accrued interest thereon, and such bonds shall be accepted at the face value thereof with accrued interest.

Id.—Sale of Timber on; Notice; Terms.

Sec. 65. The Commissioner may sell the down, large growth

and matured timber on any State lands in the manner and after the notice provided by law governing sales of State lands. The sale of any such timber shall not be construed as a sale of the land on which the same is situate. No growing or matured timber less than twelve inches in diameter inside of bark, three feet from the butt, shall be sold: provided, that timber not less than nine inches in diameter, inside of bark, three feet from the butt, may be sold for railroad ties, mine props or fence posts.

All sales of timber shall be on the stumpage basis. No down, large growth and matured timber, except such as is fit only for fire wood, shall be sold at less than one dollar and fifty cents per one thousand feet, board measure.

Id.—Commissioner—Police Power to Prevent Fires—Further Powers.

Sec. 66. The Commissioner is hereby given authority to exercise the police power of the State in preventing and extinguishing fires upon any State lands, including lands under lease or contract of sale, and for such purposes he may enter upon private lands and may employ such assistants as may be necessary. He may allow such assistants while in actual discharge of their duties, per diem, in lieu of subsistence, at a rate not exceeding two and one-half dollars and actual necessary transportation expenses, which shall be paid out of the State Lands Maintenance Fund.

Id.—Timber—Wilfully or Negligently Causing Fires—Felony.

Sec. 67. Any person who shall wilfully and maliciously set on fire, or cause to be set on fire, any timber, underbrush or grass upon State lands, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned for not more than two years, or fined in a sum not more than one thousand dollars, or both.

Id.—Timber—Building Fires Near, Shall Extinguish—Misdemeanor.

Sec. 68. Any person who shall build a fire in or near any forest, timber or other inflammable material upon State lands shall, before leaving said fire, totally extinguish the same. Any person failing to do so shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not more than one thousand dollars, or be imprisoned for a term of not more than one year, or both.

Id.—Conflicting Titles; Contests; Commissioner—Powers.

Sec. 69. Any person, association of persons, or corporation claiming any right, title, interest or priority of claim, in or to any State lands, covered by any lease, contract, grant or any other instrument executed by the Commissioner, shall have the right to initiate a contest before the Commissioner who shall have the power to hear and determine same. The Commissioner shall prescribe appropriate rules and regulations to govern the practice and procedure of such contests.

Id.—Contests; Commissioner—Powers of Referee.

Sec. 70. In such contests, the Commissioner shall have the same power as conferred by law upon referees relative to the administration of oaths, examination of witnesses, and production of books, documents and other papers.

Id.—Contest; Commissioner—False Swearing Before—Perjury—Felony.

Sec. 71. Every person who shall knowingly and wilfully swear falsely, concerning any material matter or thing, respecting which he shall be required to depose in any such contest, shall be deemed guilty of perjury, and upon conviction thereof shall be punished by imprisonment for not more than five years, nor less than two years.

Id.—Contest; Commissioner; Appeal to District Court—Procedure.

Sec. 72. Any person aggrieved by any decision of the Commissioner may appeal to the district court of any county wherein any portion of the land as to which any such right, title or interest is in controversy, is situated, by filing with the Commissioner, within sixty days after the rendering of any such decision, a motion praying such appeal, and also a bond, with two or more sufficient sureties, to be approved by the Commissioner. conditioned that appellant shall prosecute said appeal with diligence and effect, and abide by the decision of said court, and pay all costs of such appeal which shall lawfully be adjudged against him.

Notice of said motion shall be served upon the adverse party or his attorney at least ten days before the filing thereof.

Id.—Contest; Appeal; Commissioner Transmit Record; Trial de Novo.

Sec. 73. Thereupon the Commissioner shall prepare and forthwith transmit to such district court all papers and copies

of all such records as shall be necessary to be considered upon such appeal, together with the decision of the Commissioner, and the testimony if so demanded by either contestant or contestee. The clerk of said district court shall docket said appeal and papers as a cause in said district court, and thereafter said appeal so docketed as aforesaid shall be tried de novo and determined in said district court as other causes are therein tried and determined.

The party prevailing in the district court shall, after the expiration of the time allowed by law within which a supersedeas may be obtained, file with the Commissioner a certified copy of the decision of the district court, to be taxed as costs.

Id.—Contest; Appeal from District Court.

Sec. 74. Appeals from the decision of the district court shall be allowed as in civil cases.

Id.—Leases—Obtained by Fraud, Mistake—Cancellation—Notice.

Sec. 75. The Commissioner shall have power to cancel any lease, contract or other instrument executed by him which shall have been obtained by fraud or executed through mistake or without authority of law. In such case he shall serve upon the party or parties in interest notice, as prescribed by Section 21 of this Act, to show cause before him, upon a date to be fixed in such notice, why such instrument shall not be cancelled in accordance with the rules and regulations of the State Land Office.

From the decision rendered by the Commissioner upon such hearing an appeal shall lie as provided by this Act in cases of contest.

Id.—Commissioner—Records of; Certified Copies; Evidence.

Sec. 76. When requested so to do, the Commissioner shall furnish certified copies of any records in the State Land Office upon payment therefor at the rate of fifteen cents per one hundred words or fraction thereof for the first copy and three cents per one hundred words or fraction thereof for each carbon copy and one dollar for the certificate and seal thereto. Monies so collected shall be credited to the State Lands Maintenance Fund. Any such certified copy shall be admitted as evidence in any court in the State with the same force and effect as the original thereof. The Commissioner shall also furnish plats of State lands for which he shall be entitled to charge and receive a fee of one dollar per township for each plat.

Id.—Enabling Act—Commissioner Member of Commission Created Under—Powers.

Sec. 77. The Commissioner of Public Lands shall be the third member along with the Governor and Attorney General of the Commission created by Section Eleven of the Act of Congress designated as the Enabling Act, approved June 20th, 1910. The Governor shall be chairman and said Commissioner shall be secretary of said Commission. The Commission is hereby authorized to employ one or more locating agents who shall be paid out of the maintenance fund provided by this Act.

Id.—Creation of Funds—Deposits—Records.

Sec. 78. The following funds are hereby created, to the credit of which, in the respective proportions to which they are by law entitled, all monies derived from State lands shall be deposited by the Commissioner with the State Treasurer, and the Commissioner shall keep an accurate record of all such deposits:

Common school income fund.

Common school permanent fund.

University income fund.

University permanent fund.

University saline income fund.

Agricultural college income fund.

Agricultural college permanent fund.

Normal school, Silver City, income fund.

Normal School, Silver City, permanent fund.

Normal school, Las Vegas, income fund.

Normal school, Las Vegas, permanent fund.

Spanish-American school, El Rito, income fund.

Spanish-American school, El Rito, permanent fund.

Normal school, eastern, income fund.

Normal school, eastern, permanent fund.

Being the school to be established under Section 12 of Article XII of the Constitution.

School of Mines, income fund.

School of Mines, permanent fund.

Military Institute, income fund.

Military Institute, permanent fund.

Reform school, income fund.

Reform school, permanent fund.

Miners' Hospital, income fund.

Miners' Hospital, permanent fund.

Insane Asylum, income fund.

Insane Asylum, permanent fund.

Penitentiary, income fund.

Penitentiary, permanent fund.

State charitable, penal and reformatory institutions, income fund.

State charitable, penal and reformatory institutions, permanent fund, to be equally distributed among the state institutions as defined in Section 1 of Article XIV of the Constitution.

Blind asylum, income fund.

Blind asylum, permanent fund.

Deaf and Dumb asylum, income fund.

Deaf and Dumb asylum, permanent fund.

Permanent reservoirs for irrigation purposes, income fund.

Permanent reservoirs for irrigation purposes, permanent fund.

Improvement of Rio Grande, income fund.

Improvement of Rio Grande, permanent fund.

Public buildings at capital, income fund.

Public buildings at capital, permanent fund.

Santa Fe and Grant county Railroad Bond fund, to be applied as provided by Section 4 of Article IX of the Constitution.

State Lands Maintenance Fund.

Repealing Certain Acts and All Conflicting Acts.

Sec. 79. All of Chapter seventy-four (74) of the Laws of 1899; all of Chapter sixty-nine (69) of the laws of 1901; all of Chapters seventy-eight (78) and eighty-one (81) of the laws of 1903; all of Chapters ninety (90) and one hundred and eleven (111) of the laws of 1905; Section twenty-eight (28) of Chapter ninety-seven (97) and all of Chapter one hundred and four (104) of the laws of 1907; all of Chapters twenty-five (25) and one hundred and six (106) of the Laws of 1909; and all other acts and parts of acts in conflict with the terms of this Act are hereby repealed—provided, that no repeal in this section shall affect any lease or contract heretofore executed by the Commissioner covering State lands or any rights thereunder or in connection therewith.

Emergency; Act Effective Upon Passage and Approval.

Sec. 80. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico that the provisions of this Act become effective at the

earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage and approval.

CHAPTER 83.

AN ACT PROVIDING FUNDS AND MAKING APPROPRIATIONS FOR THE FIRST FISCAL YEAR FOR THE EXPENSES OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS; FOR THE PAYMENT OF INTEREST ON STATE INDEBTEDNESS AND SINKING FUNDS REQUIREMENTS THEREOF; TO DEFRAY THE EXPENSES OF THE EDUCATIONAL, STATE AND CHARITABLE INSTITUTIONS AND HOSPITALS, AND ALL OTHER EXPENSES REQUIRED BY THE EXISTING LAWS OF THE STATE OF NEW MEXICO, AND MAKING APPROPRIATIONS FOR DEFICIENCIES IN THE REVENUES OF FORMER FISCAL YEARS, WHICH DEFICIENCIES WERE INCURRED BY THE REQUIREMENTS OF EXISTING LAWS. *Amend. S. B. No. 179; Approved June 14, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Appropriation—First Fiscal Year—Interest Bonded Indebtedness—Proviso.

Section 1. For the first fiscal year of the State of New Mexico the following appropriations, hereinafter specified, or so much thereof as may be necessary, are hereby made and directed to be paid for the purposes hereinafter expressed, to-wit:

For the payment of interest on the bonded indebted-

ness\$30,000.00

Provided, that whenever, the money in the funds is insufficient to meet the outstanding interest coupons as they mature, it shall be the duty of the State Treasurer to borrow temporarily a sufficient sum to make such payments, and for such purpose the said treasurer is hereby authorized and empowered to make and negotiate the necessary loan on the best terms obtainable, at a rate of interest not exceeding six per cent per annum: Provided, that any surplus of any other fund on hand, not otherwise appropriated, may be first used to pay said de-

ficit before so borrowing such sufficient sum to make such payments. The State Auditor shall countersign any and all necessary papers for the negotiation of such loan and charge the proceeds to the Treasurer, and the Treasurer shall redeem such paper out of the interest fund whenever there shall be money in such fund available.

Id.—State Institutions—Support and Maintenance; Students—Examination.

Sec. 2. For the support and maintenance of the state educational institutions, there is hereby appropriated the following sums, to-wit:

University of New Mexico at Albuquerque, including deficiency, improvements and repairs.....	\$42,000.00
The New Mexico College of Agriculture and Mechanic Arts, near Las Cruces.....	\$25,000.00
The New Mexico School of Mines at Socorro, including improvements and repairs.....	\$22,500.00
The New Mexico Military Institute at Roswell.....	\$25,000.00
The New Mexico Normal University at Las Vegas, including improvements and repairs.....	\$30,000.00
The New Mexico Normal School at Silver City, including new dormitory	\$28,000.00
The Spanish American School at El Rito.....	\$ 8,000.00
The New Mexico Asylum for the Deaf and Dumb at Santa Fe	\$10,000.00
The New Mexico Institute for the Blind at Alamogordo	\$10,000.00

No pupil under twelve years of age shall be enrolled or admitted as a student in the New Mexico Normal School at Silver City or the New Mexico Normal University at Las Vegas unless such pupil shall have passed a satisfactory examination in a course of study such as is prescribed by the State Board of Education for pupils above the sixth grade of the public schools. The respective Boards of Regents of the New Mexico College of Agriculture and Mechanic Arts near Las Cruces, the New Mexico School of Mines at Socorro, the University of New Mexico at Albuquerque and the New Mexico Military Institute at Roswell shall determine and fix the standard requirements for admission as students to such respective institutions. Preparatory schools known as "Training Departments" may be conducted by the said New Mexico Normal School at Silver City and the New Mexico Normal University at Las Vegas in con-

nection with their schools, but the number of pupils who may be admitted to such preparatory departments shall be limited to not to exceed twelve in each grade.

The Board of Regents of the New Mexico Normal University and the New Mexico Normal School are hereby empowered and directed to set aside out of the regular appropriations for each of these institutions the sum of fifteen hundred dollars to pay the railroad fare in excess of seventy-five miles both going to and coming from said institution of all persons who enroll with a view of preparing to teach in the schools of New Mexico. Provided, that such students shall be bona fide residents of New Mexico at the time of entering such institutions, shall have attended continuously for not less than eight weeks and shall file with the president of the institution a declaration to teach in the State of New Mexico. The railroad fare thus provided for shall be paid but once each year and over the shortest possible route of travel.

The Miners' Hospital of New Mexico at Raton.....	\$10,000.00
The New Mexico Insane Asylum at Las Vegas.....	\$60,000.00
The New Mexico Reform School at Springer, deficiency	\$ 2,775.25
The Orphans' School at Santa Fe.....	\$10,000.00

Id.—New Mexico Penitentiary.

Sec. 3. There is hereby appropriated for the New Mexico Penitentiary at Santa Fe, or so much thereof as may be necessary, the following sums, to-wit:

(a) For the Penitentiary Current Expense Fund:

and for the payment of officers and employes,
viz:

One Superintendent	\$2,400.00
One Assistant Superintendent	\$1,500.00
One Physician	\$ 600.00
One Chaplain	\$ 300.00
One Clerk and Storekeeper	\$ 600.00
One Matron	\$ 600.00
One captain, day guard	\$ 600.00
One captain, night guard	\$ 600.00
One engineer and electrician	\$ 900.00
Sixteen guards	\$7,680.00
Two-day cell housekeepers, [cell-house keepers] each at \$540.00 per annum.....	\$1,080.00

Two night cell housekeepers, [cell-house keepers] each at \$540.00 per annum.....	\$1,080.00
One yardmaster	\$ 900.00
One foreman of shops	\$ 600.00
One foreman of clay pit	\$ 720.00
One steward [steward].....	\$ 900.00
(b). For paying transportation of discharged convicts to their homes, or so much thereof as may be necessary ..	\$1,200.00
(c) For penitentiary maintenance, the proceeds of of convict labor	\$35,000.00
(d) For salary and expenses of the Penitentiary Board or so much thereof as may be necessary,.....	\$1,200.00
(e) For permanent improvements, or so much thereof as may be necessary	
For bath house	\$ 250.00
For superintendent's rooms	250.00
For sewerage and plumbing	1,500.00
For kitchen, bakery and dining room.....	5,000.00

Id.—Governor—Employees—Salaries—Contingent Fund.

Sec. 4. There is hereby appropriated to pay the salary of the Governor	\$5,000.00
Salary of private secretary to governor.....	\$2,000.00
Messenger and doorkeeper to the governor.....	\$ 600.00
For contingent expenses of the governor's office to be paid on order of the governor	\$5,000.00

Id.—State Officers—Employees—Salaries—Contingent Expenses.

Sec. 5. For the salaries of the hereinafter named state officers, assistants, clerks and stenographers, and for contingent, traveling and incidental expenses of such offices, or so much thereof as may be necessary appropriations are hereby made as follows, to-wit:

SECRETARY OF STATE.

Salary of the Secretary of State.....	\$3,000.00
Salary of Assistant Secretary of State.....	\$1,500.00
For assistant clerk hire	\$ 900.00
For printing and miscellaneous expenses.....	\$ 850.00

STATE AUDITOR.

Salary of State Auditor	\$3,000.00
Salary of Chief Clerk	\$1,500.00
Salary of voucher clerk	\$1,200.00

Miscellaneous expenses\$ 600.00

STATE TREASURER.

Salary of State Treasurer\$3,000.00

Salary of Clerk\$1,500.00

Miscellaneous expenses\$1,000.00

ATTORNEY GENERAL.

Salary of Attorney General\$4,000.00

Salary of Assistant Attorney General\$1,800.00

Salaries of stenographers and clerks.....\$1,800.00

Miscellaneous expenses\$1,800.00

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Salary of Superintendent of Public Instruction.....\$3,000.00

Salary of Assistant Superintendent of Public Instruction\$2,000.00

Salary of chief clerk\$1,500.00

Salary of stenographer.....\$ 900.00

Contingent and traveling expenses, including printing \$4,100.00

INSPECTOR OF MINES.

Salary of Inspector of Mines.....\$2,000.00

Contingent and traveling expenses.....\$2,000.00

STATE LIBRARY.

Salary of Librarian\$ 900.00

For purchase of books of State Library.....\$1,500.00

For contingent expenses, including insurance.....\$ 800.00

Provided, that appropriations for the State Library, except salary of the Librarian, shall be disbursed under orders by the Board of Trustees of the State Library.

SUPREME COURT.

For salaries of three justices of the Supreme Court..\$18,000.00

Salary of stenographer for the Supreme Court..... 900.00

Salary of bailiff of Supreme Court..... 900.00

Contingent expenses 1,000.00

CLERK OF THE SUPREME COURT.

Salary of the Clerk of the Supreme Court.....\$3,600.00

Contingent expenses 200.00

All fees hereafter collected by the Clerk of the Supreme Court and also all fees earned by said clerk since the present Supreme Court was organized, shall be turned over to the State Treasurer, and by him covered into the salary fund.

Provided, that an itemized account of all monies disbursed by the officers receiving appropriations under this section for contingent, incidental or traveling expenses, shall be kept in their

respective offices in a bound book to be used for that purpose only.

Id.—District Judges—Salaries, Expenses.

Sec. 6. There is hereby appropriated to pay the salary of the district judges\$36,000.00

Provided, the district judges shall be reimbursed their actual and necessary traveling expenses, hotel bills and other necessary expenses, when absent from their district headquarters upon official business, such expenses to be paid out of the court fund of the county for which such business is transacted, upon itemized expense accounts filed with the clerk of the court for such county.

Id.—State Engineer—Salaries—Employees—Expenses.

Sec. 7. There is hereby appropriated to pay the salary of the State Engineer\$2,400.00

Clerk hire for State Engineer..... 1,200.00

Stenographer for State Engineer..... 900.00

For contingent expenses, including traveling expenses,
or so much thereof as may be necessary\$2,500.00

Id.—Game Warden—Salary—Expenses.

Sec. 8. There is hereby appropriated to pay the salary of the Fish and Game Warden\$1,800.00

For contingent and incidental expenses..... 500.00

To be paid out of the Game and Fish Protection Fund.

Id.—Miscellaneous Purposes.

Sec. 9. For miscellaneous purposes there is hereby appropriated the following sums for the following specified purposes, to-wit:

For per diem and mileage of the Members of the
Second State Legislature and for expenses thereof,
or so much thereof as any [may] be necessary....\$50,000.00

For repairing and restoring eastern portion of Old
Palace building and improving interior thereof.. 5,000.00

For printing tax rolls, schedules and books of account
for county officials as now provided by law..... 1,700.00

For the payment of United States Land Office fees
incident to the selection of State Lands, or so
much thereof as may be necessary..... 5,000.00

For contingent expenses of the Board of Equalization,
including stationery, printing and clerk hire.... 200.00

For Francisco D. Padilla, on account of damages to his

field and growing crops committed by Elk placed by the State at Trout Springs.....	75.00
To Clemente Padilla, on account of damages to fence committed by Elks placed by the State at Trout Springs ..	15.00

Provided, that the two last items shall be paid out of the Game Protection Fund.

The sum of two hundred dollars, or so much thereof, as may be necessary, to defray the clerk and stenographer's salaries before the State Canvassing Board of 1912.

*To the Lieutenant Governor for per diem salary as such officer for the period of ten days after the adjournment of the present session of the legislature for services to be performed in completing the work of the legislature\$ 100.00

*To the Speaker of the House of Representatives for similar services for the period of twenty days....\$ 100.00

Id.—Supreme Court—Reports of—Compiling and Editing.

Sec. 10. That there is hereby appropriated for compiling and editing volumes of New Mexico Supreme Court Reports the sum of \$250.00 and for the purpose of paying the New Mexican Printing Company a balance due for printing done in accordance with orders by the Secretary of the Territory for copies in Spanish of the journals of the Council and House and of the session laws of 1909 as shown by approved bills in the office of the Secretary of State, \$255.23. There is hereby appropriated for the purpose of covering the expense of printing volume 16 of the New Mexico Reports the sum of \$900.00.

Id.—Charitable Institutions—Hospitals.

Sec. 11. That there is hereby appropriated for the various charitable institutions and hospitals of New Mexico for the maintenance of which appropriations were made by the Legislative Assembly of 1909, and pursuant to authority granted by Section 31 Article IV of the Constitution, the following sums, to-wit:

St. Vincent's Hospital at Santa Fe.....	\$3,600.00
Grant County Hospital at Silver City.....	1,800.00
Sisters of Mercy Hospital at Silver City.....	1,800.00
Ladies' Hospital at Deming.....	1,800.00
Eddy County Hospital at Carlsbad.....	1,800.00
Sisters' Hospital at Albuquerque.....	2,400.00
Relief Society at Las Vegas.....	3,000.00

Gallup Hospital at Gallup.....	2,000.00
St. Mary's Hospital at Roswell.....	1,800.00
Sisters of Loretto at Mora.....	1,000.00
Sisters of Loretto at Las Cruces.....	1,000.00

Id.—Militia—Adjutant General—Assistants—Salaries—Expense.

Sec. 12. There is hereby appropriated for the maintenance of the office of Adjutant General and the State Militia, the following sums, to-wit:

Salary of Adjutant General.....	\$2,400.00
Salary of clerk	900.00
Salary of Stenographer	900.00
Contingent and incidental expenses.....	4,000.00
Traveling expenses, or so much thereof as may be necessary	1,000.00
Pay of enlisted men during camp maneuvers, based on three-fourths strength of one regiment.....	3,400.00
Equipment ..	2,000.00
Expenses account inspection by U. S. Army officers, or so much thereof as may be necessary.....	300.00

It shall be the duty of the Auditor of the State of New Mexico, upon receipt of a certificate executed by the Adjutant General of the State of New Mexico, and setting forth that a surplus exists in any fund created for the support and maintenance of the National Guard of the State of New Mexico, over and above the amount necessary to meet the expenses for which such fund is created, to make a transfer of such surplus money as is shown by said certificate to exist in any fund in which it may be shown by said certificate that a deficiency exists, or to any fund the Adjutant General may deem necessary to create for the purpose of providing for the storage and safekeeping of all arms, ammunition and equipment of the National Guard; said monies when so transferred to be disbursed in the same manner as other monies are authorized to be disbursed by his office.

Id.Traveling Auditor—Bank Examiner—Clerk, Salaries—Expense; Mounted Police; Loan Commissioners; Immigration; Etc.

Sec. 13. There is hereby appropriated for the office of the Traveling Auditor and Bank Examiner the following sums, to-wit:

Salary of Traveling Auditor and Bank Examiner.....	\$3,000.00
Salary of Clerk	1,500.00

Contingent and traveling expenses, or so much thereof
 as may be necessary 2,300.00
 There is hereby appropriated for the purpose of defray-
 ing the expenses of the Board of Loan Commission-
 ers, the sum of 750.00

MOUNTED POLICE.

For the support and maintenance of the Mounted
 Police there is hereby appropriated, or so much
 thereof as may be necessary, the sum of.....\$12,000.00

The force to consist of one captain; one sergeant and four
 privates; whose compensation is hereby fixed as follows:

Salary of captain, per annum\$2,000.00
 Salary of Sergeant 1,500.00
 Salary of privates, per annum each..... 1,200.00

Provided, that the force shall be stationed at Santa Fe, or
 other points in the State, to be designated by the Governor and
 shall at all time be under his direction and when in discharge
 of their duties, which necessitates their absence from the stations,
 to which they have been assigned, their actual and necessary
 expenses shall be paid from the amount (\$12,000.00) above ap-
 propriated on vouchers approved by the captain of the Mounted
 Police, filed with the State Auditor, who shall draw his warrant
 therefor:

Provided, further, that the Governor is hereby given authority
 whenever in his judgment he deems it necessary, to appoint addi-
 tional members temporarily, while the necessity for such ad-
 ditional officers exists. Such additional members to be paid at
 the same rate as the privates on the regular force and only for
 the time while serving under such temporary or emergency
 appointments. Vouchers for such services and expenses, ap-
 proved by the Governor shall be filed with the Auditor, who shall
 draw his warrants in payment therefor.

*There is hereby appropriated to be expended under the
 direction of the Commissioner of Public Lands for
 disseminating information as to the soil, climate,
 mineral and other natural resources of New Mex-
 ico, with special reference to opportunities for de-
 velopment and the advantages presented to desir-
 able immigration and for the investment of capital,
 the same to be paid upon warrants drawn by the
 State Auditor supported by itemized vouchers for
 such expenditures, certified by the Commissioner

of Public Lands, the sum of.....\$6,500.00
 For the experiment farm in Quay County to be expended under direction of the board of trustees provided for by Section 12 of Chapter 127 Laws of 1909\$3,500.00
 For the necessary contingent expenses of the House of

Representatives incurred at the present session...\$1,500.00

Said sum to be paid by the State Auditor to R. L. Baca, Speaker to be by said Speaker disbursed and paid out to meet such necessary contingent expenses and take receipt for all items so paid out by him and make report of such payments to the next session of the legislature.

Id.—Transportation of Prisoners.

Sec. 14. There is hereby appropriated for the purpose of defraying the expense of transporting prisoners to the State Penitentiary, the following sums, to-wit:

For actual expenses of sheriffs of the various counties in conveying prisoners to the penitentiary, or so much thereof as may be necessary.....\$6,000.00

The sheriffs of the various counties shall be entitled to actual expenses incurred by themselves in conveying prisoners to the penitentiary and also the actual expenses incurred by them in behalf of such necessary guards as are authorized by law to be employed to assist in guarding such prisoners, and also to the actual expenses incurred in behalf of prisoners so conveyed. Before conveying prisoners to the penitentiary, sheriffs shall secure from the District Judge of the county in which said sheriff has been elected, a certificate specifying the number of guards which are necessary to the safe conveyance of such prisoners, and shall render under oath itemized accounts covering the expenses hereby authorized.

Id.—General Election (November, 1912).

Sec. 15. There is hereby appropriated for the purpose of defraying the expenses of the general election to be held in the State of New Mexico on the Tuesday after the first Monday in November, A. D. 1912, the following sums, to-wit:

For printing of poll books, registration books and other necessary blanks, and conveying and forwarding the election returns to the State Canvassing Board, freight, and express.....\$ 800.00

Provided, that the expenses necessarily incurred by the State

Canvassing Board, for and during the year 1912, may be paid by the Secretary of State out of any funds available in his office.

Id.—Session Laws First Legislature—Translation of.

Sec. 16. There is hereby appropriated for the translation of the laws and journals of the First State Legislature, \$1,200. Such translation shall be completed within ninety days after the adjournment of the present session of this legislature and shall be done under the supervision of [the] Secretary of State.

For printing the laws and journals of the First State

Legislature in the English and Spanish languages, \$1,200.00

When said laws and journals have been printed they shall be delivered to the Secretary of State of the State of New Mexico and by him distributed; and said Secretary of State is hereby directed, within ten days after the adjournment of this session of the Legislature, to furnish copies of said laws and journals to the translator and printer.

For printing of the Blue Book, official register, postage,

etc. \$1,500.00

Id.—Capitol Building—Governor's Mansion—For Maintenance.

Sec. 17. There is hereby appropriated for the purpose of defraying the expenses of maintaining the capitol building and Governor's mansion the following:

Insurance	\$ 260.00
For employes of the capitol building.....	\$5,000.00
For fuel, light and water.....	4,000.00
For repairs, furniture and equipment.....	3,500.00
For amount paid by George Curry, former Governor of New Mexico, on account of the purchase price of a piano and for books now in the Executive Man- sion	\$ 738.00

Said last named amount to be paid to the said George Curry.

For balance due to Learnard-Lindemann Co., of Albuquerque, New Mexico, account purchase price of piano now in Executive Mansion at Santa Fe.....\$ 186.00

The last two items to be paid out of the proceeding [preceding] item of \$3,500.00 for repairs, furniture and equipment.

Id.—State Corporation Commission—Salaries—Contingent Expense.

Sec. 18. For the purpose of paying the salaries of the members of the State Corporation Commission, from the fifteenth day of January to and including the thirtieth day of November, 1912,

there is hereby appropriated the sum of.....\$7,875.00

For the purpose of paying the salaries of officers, assistants and subordinates appointed by the State Corporation Commission, there is hereby appropriated the sum of \$7,850.00 which shall be expended as follows:

Salary of one chief clerk at \$2,000.00 per annum from
January 16, 1912 to November 30, 1912.....\$1,750.00

*Salary of one assistant chief clerk at \$1,800.00 per
annum from January 16, 1912 to November 30,
1912, 1,575.00

Salary of one rate clerk at \$2,000.00 per annum from
June 1, 1912 to November 30, 1912..... 1,000.00

*Salary of one insurance clerk at \$1,800.00 per annum
from June 1, 1912 to November 30, 1912..... 900.00

*Salary of one corporation clerk at \$1,200 per annum
from June 1, 1912 to November 30, 1912..... 600.00

*Salary of one official stenographer at \$1,200.00 per an-
num from June 1, 1912 to November 30, 1912..... 600.00

Salary of one office stenographer at \$900.00 per an-
num from January 16, 1912 to November 30, 1912 787.50

Salary of one office stenographer at \$900.00 per annum
from March 16, 1912 to November 30, 1912..... 637.50

The State Corporation Commission shall be, and is hereby authorized to employ such officers, assistants and subordinates as are hereinbefore specified and their compensation shall be as herein fixed. Provided: the two years' residence qualification for the holding of public office in the State shall not apply to the rate clerk who may be employed by said Commission.

For contingent and incidental expenses, including necessary traveling expenses of members of the State Corporation Commission, its officers and employees, fees and mileage of witnesses, cost of executing process issued by the Commission or by the Supreme Court or by the District Courts in behalf of the Commission, additional clerk hire, postage, box rent and express, furniture and fixtures, typewriters, telegrams, telephone, office supplies, stationery, printing and any and all other actual necessary expenses of said Commission from the fifteenth day of January until and including the thirtieth day of November, 1912, there is hereby appropriated the sum of \$10,000.00, or so much thereof as may be necessary for such purposes.

The salaries of all officers, assistants and subordinates employed

by the Commission shall be paid monthly, upon the first day of each month following the date of employment.

All amounts appropriated by this section shall be paid from the State Salary Fund.

The Commission shall cause to be kept an accurate account of all expenditures of the monies appropriated by this section, and none thereof shall be paid out except upon itemized vouchers accurately setting forth the purpose of the expenditure, approved by the Commission and filed with the State Auditor, who, upon the filing of any such vouchers, shall draw his warrant for the amount thereof upon the State Treasurer.

For and during the period heretofore mentioned the expenditures of the said Commission shall not exceed the amounts hereby appropriated.

All receipts of the State Corporation Commission, including all receipts of the Insurance Department of the State, shall hereafter be covered into the State Salary Fund.

Id.—Legislature—Chief Clerks—Additional Time.

Sec. 19. There is hereby appropriated to meet and pay the wages of the chief clerk of the Senate and the chief clerk of the House, and of one stenographer to be chosen by each of said chief clerks, at \$6.00 per day for each chief clerk and for each stenographer for ten days after the adjournment of the legislature, the sum of \$240.00. Said wages shall be paid to the respective chief clerks and to the respective stenographers chosen by them out of the Salary Fund upon warrants drawn by the Auditor upon the Treasurer.

Id.—Aniceto Abeytia—Mileage—Per Diem.

Sec. 20. For the payment of mileage and per diem of Aniceto C. Abeytia there is hereby appropriated the sum of \$257.00, which amount shall be paid out of the Salary Fund.

State Auditor—Duties—Transfer Monies to Salary Fund.

Sec. 21. The State Auditor is hereby directed to transfer to the State Salary Fund all surplus monies in the following funds, to-wit:

Charitable Institution Fund.

Provisional Indebtedness Fund.

Compilation Fund.

Game Protection Fund.

Insurance Fund.

Bank Examiner Fund.

Fees Account Fund.

Penitentiary Current Expense Fund.

Library Fund.

Supreme Court Fund.

Armory Certificates and Interest Fund.

Said Auditor shall transfer from the penitentiary cell house fund to the penitentiary repair fund the sum of \$700.87.

He shall also transfer to the maintenance fund of The New Mexico Normal University at Las Vegas the sum of \$411.52 now standing to the credit of the Summer Normal Fund.

He shall also transfer to the credit of the maintenance fund of The New Mexico Normal School at Silver City the sum of \$553.69 now standing to the credit of the heating plant fund of said institution.

Appropriation; State Institutions—Public Officers—Salaries—Deficiency Previous Years.

Sec. 22. There is hereby appropriated for the payment of deficiencies in the revenues of the Sixty-first, Sixty-second and Sixty-third fiscal years of the Territory of New Mexico, such deficiencies being for expenses incurred by the requirements of existing laws, the following sums, to-wit:

For New Mexico Normal University at Las Vegas.....	\$ 5,000.00
Penitentiary	16,313.70
Las Vegas Armory Building	2,763.58
Roswell Armory Building	1,229.60
Las Cruces Armory for heating plant and repairs....	1,750.00
Silver City Armory for heating plant and repairs....	1,750.00
Camp expenses, New Mexico Military Guard.....	2,000.00
Salaries, three justices of the Supreme Court from the time of their qualification to December 1, 1912..	16,000.00
Salary of stenographer for Supreme Court at \$900.00 per annum	825.00
Salary of Clerk of the Supreme Court at \$3600.00 per annum	1,085.00
Salary of bailiff for Supreme Court at \$900.00 per an- num	800.00
Furniture and Typewriters for Supreme Court.....	850.00
Contingent expense fund, payable on the order of the Supreme Court	825.00
Salaries of District Judges from the time of their qualification to December 1, 1912.....	22,000.00
Salary of Governor	4,375.00

Salary of Secretary of State.....	2,625.00
Salary of Assistant Secretary of State.....	1,050.00
Contingent expense fund for Secretary of State.....	2,400.00
Salary for State Treasurer.....	525.00
One Adding Machine for State Treasurer.....	375.00
Salary of Voucher Clerk, State Auditor's office, five and a half months.....	550.00
Salary of Attorney General	438.00
Salaries of stenographers and clerks Attorney Gen- eral's office	675.00
Salary of State Mine Inspector	1,750.00
Miscellaneous and traveling expenses of State Mine Inspector	1,950.00
Miscellaneous expenses, State Mine Inspector for Sixty-second fiscal year	34.44
For insurance of Armories.....	1,875.00
For transportation of convicts to penitentiary.....	2,678.75
Mounted Police Department for Sixty-second fiscal year .. .	494.64

Id.—Buildings—State Institutions.

Sec. 23. There is hereby appropriated the sum of fifty thousand dollars for the purpose of paying for the reconstruction of Lea Hall, an academic school building situated on the grounds of the New Mexico Military Institute and which was a building used and occupied as a part of the New Mexico Military Institute at Roswell, and which was destroyed by fire. The aforesaid appropriation of fifty thousand dollars is hereby made for the purpose of reimbursing the following named persons who advanced said sum of money for the reconstruction of said Lea Hall: E. A. Cahoon, W. G. Hamilton, W. M. Atkinson, J. P. White, W. A. Finley, L. K. McGaffey, John W. Poe, A. Pruitt, K. S. Woodruff, J. W. Rhea, W. A. Johnson, Price & Co., Clark Dilley, A. D. Garrett, J. F. Hinkle, Harold Hurd, R. P. Bena, G. S. Moore, C. C. Tannehill, John T. McClure, J. E. Rhea, C. F. Joyce, Charles de Bremond, J. W. Stockard, W. H. Godair, C. M. Slaughter, Eliza White, J. C. Hamilton, J. M. Miller, W. C. Reid, J. S. Lea, W. S. Praeger, W. H. Pope, John Shaw, J. J. Jaffa.

Said appropriation of fifty thousand dollars is hereby directed to be paid unto the Board of Regents of the New Mexico Military Institute, which said Board of Regents shall upon receipt of said

fifty thousand dollars pay over to said persons who so advanced said money, the amount and share which each of said persons contributed for the reconstruction of said Lea Hall.

There is hereby appropriated the sum of thirty thousand dollars (\$30,000.00) to be expended under the direction of the Regents of The New Mexico College of Agriculture and Mechanic Arts near Las Cruces for the purpose of constructing a fire-proof building in place of the old administration building recently destroyed by fire. This appropriation shall include the cost of a modern heating plant for said building.

There is hereby appropriated the sum of twenty-five thousand dollars (\$25,000.00) for the purpose of constructing a dormitory for the Institute for the Blind at Alamogordo. Provided, that out of the last mentioned appropriation there shall be paid the cost of a modern heating plant, which shall be installed for the purpose of heating said building, and out of said appropriation there shall also be paid the cost of furniture and equipment for said building.

Id.—Certificates of Indebtedness—Issue for Buildings—Taxation—Payment—Publication.

Sec. 24. That for the purpose of providing funds for the payment of appropriations made by the two preceding sections there shall be issued certificates of indebtedness of the State of New Mexico, the form of which certificates shall be prescribed by the Attorney General of the State. Such certificates shall be dated the first day of July, 1912; shall be payable within five years from their date and issued in denominations of five hundred dollars each, and shall be issued in an amount not to exceed the amount necessary to pay the appropriations made by the preceding section. They shall bear interest at the rate of six per centum per annum, payable semi-annually on the first days of March and September in each year, both interest and principal payable at the office of the State Treasurer. The certificates shall be signed by the State Auditor and the State Treasurer and the coupons attached thereto for the semi-annual interest shall have the engraved, lithographed fac-simile signature of the Treasurer thereon.

The certificates shall be sold at not less than par, and when so sold the amount of the proceeds thereof shall be placed in a special fund and a separate account kept thereof, and all payments made therefrom authorized by this Act shall be made on the warrant of the State Auditor.

The State Auditor shall create a fund to be known as the Casual Deficit Fund, and to provide for the payment of the interest and principal of the certificates authorized by this section; it shall be the duty of the said Auditor, annually, beginning with the present fiscal year, to levy a tax on all taxable property in the State of New Mexico sufficient to produce the amount required to pay the interest on said certificates and twenty per centum of the principal thereof, for each and every year, for the term of five years, and the said Auditor when certifying to the boards of county commissioners of the respective counties his levy for State taxes shall include therein the levy hereby authorized.

After the expiration of one year and at the expiration of each succeeding year for the term of five years, from the first day of July, A. D., 1912, it shall be the duty of the State Treasurer to publish a notice once each week for four consecutive weeks in some daily paper published at the capitol of the State of New Mexico, giving notice that twenty per centum of the amount of the certificates authorized by this section, and the interest thereon will be paid on the presentation and surrender of such certificates at his office, and that interest will cease upon such certificates thirty days from the date of the first publication of such notice. The certificates so to be redeemed shall be redeemed in the order of their numbers, commencing with certificate numbered one, and the notice so required to be published by the Treasurer shall describe such certificates by giving the amount, date of issue, series if they shall bear one, and number thereof, and at the expiration of thirty days from the date of notice above required, the interest shall cease on all certificates named in such notice. The certificates of indebtedness, provided for in this section, shall be numbered consecutively, beginning with number one (1) and the coupons attached thereto shall bear the same number as the certificates to which they are attached.

When any of the certificates of indebtedness shall have been paid and taken up as provided for in this section, they shall be cancelled and a full record of the same, giving date, number, series, if any, amount and date of cancellation, shall be entered in a book to be kept for that purpose by the State Treasurer, and such cancelled and redeemed certificates shall be destroyed in the same manner and at the same time as is provided by law for the destruction of other evidences of State indebtedness, which has been discharged or retired.

The cost of preparing, printing or lithographing and sale of certificate of indebtedness, provided for in this section, shall be paid by the State Treasurer and charged by him to the "Interest on Deposits Account."

Id.—Taxation—Interest on Bonded Indebtedness—Sinking Fund.

Sec. 25. The State Auditor is hereby directed to levy a tax on all taxable property in the State of New Mexico to produce the amounts by this Act provided for and to meet the interest on the bonded indebtedness of the state and sinking fund requirements thereof, except as he is by this Act otherwise directed to provide for the appropriations made herein.

Repealing Military Institute Additional Building Act.

Sec. 26. That Section 6 of Chapter 6 of the laws of the Thirty-fourth Legislative Assembly of the Territory of New Mexico, entitled, "An Act providing for additional buildings for the New Mexico Military Institute at Roswell," approved March 20, 1901, as amended by the provisions of Chapter 108 of the Acts of the Thirty-sixth Legislative Assembly of the said Territory, approved March 16, 1905, is hereby repealed.

Items Disapproved by the Governor.

*[These items were disapproved by the Governor as per memorandum below.]

Approved this 14th day of June, 1912. except as to the items disapproved in memorandum hereto attached.

Senate Bill Number 179, Appropriations, approved, except as to the following items, which are hereby disapproved, all of which are included in the appropriations provided for the First Fiscal Year of the State of New Mexico:

Sec. 9. Per diem salary of the Lieutenant Governor as such officer for the period of ten days after adjournment of the Legislature, \$100.00; unconstitutional;

Sec. 9. For per diem salary of the Speaker of the House of Representatives for a period of twenty days after the adjournment of the Legislature, \$100.00; unconstitutional;

In Sec. 13. For the item which reads as follows: "There is hereby appropriated to be expended under the direction of the Commissioner of Public Lands for disseminating information as to the soil, mineral and other natural resources of New Mexico with reference to opportunities for development and the advantages presented to desirable immigration and for the investment of capital, the same to be paid upon warrants drawn by the State

Auditor supported by the itemized voucher for such expenditures certified by the Commissioner of Public Lands, the sum of \$6500.00;

The Land Commissioner has all the work that one man ought to undertake without assuming the responsibilities contemplated in the above provision; and he is authorized to retain twenty per cent of the receipts from lands for the maintenance of his office under the provision of the new bill which has just become a law;

In Section 18, Appropriation for the State Corporation Commission,

Salary for one assistant chief clerk at \$1800.00 per annum, from January 15, 1912 to November 30, 1912—\$1575.00

Salary of insurance clerk at \$1800.00 per annum, from June 1, 1912, to November 30, 1912 \$900.00

Salary one corporation clerk at \$1200.00 per annum, from June 1, 1912, to November 30, 1912 \$600.00

Salary one official stenographer at \$1200.00 per annum from June 1, 1912, to November 30, 1912 \$600.00

These clerks, if found necessary, may, in my opinion, be employed by the Corporation Commission and paid out of the fund for contingent and incidental expenses, which is \$10,000.00, and provides for "Additional Clerk Hire."

There are other items in the appropriation bill which to my mind are improper but are made in such a manner and for such purposes that it might be a hardship in some respects to disapprove them; and as this appropriation is only for one year, it seems to me better to approve than to eliminate them in a manner that might seem unjust and unreasonable at this time.

WILLIAM C. McDONALD,
Governor of New Mexico.

CHAPTER 84.

AN ACT TO PROVIDE FOR THE ORGANIZATION AND OPERATION OF DRAINAGE DISTRICTS, CONFERRING ADDITIONAL POWERS ON CERTAIN OFFICERS, AND FOR THE ISSUING OF BONDS, LEVYING ASSESSMENTS ON LANDS BENEFITED, EXTENDING THE RIGHT OF EMINENT DOMAIN, AND FOR THE CONSTRUCTION AND MAINTENANCE OF DITCHES AND OTHER WORKS. *H. Sub. H. Bills Nos. 204 and 239; Approved June 14, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Drainage District; Created—How—

Section 1. Whenever a majority of the adult owners of lands within any district of land, who shall represent one-third in area of the lands within said district to be reclaimed or benefited, desire to construct one or more drains or ditches, or to acquire by purchase or otherwise, drains theretofore constructed, or outlets for drains, for the promotion of agricultural interests and the drainage of said lands, or desire to maintain and keep in repair any such drain or ditch theretofore constructed, such owners may file in the district court of any county in which the lands, or any part of them shall lie, a petition setting forth:

1. The proposed name of said drainage district.
2. The necessity of the proposed drainage work, describing the necessity.
3. A general description of the proposed starting points, routes and termini of the proposed drains or ditches.
4. A general description of the lands proposed to be included in said district.
5. The names of the owners of all lands in said district when known.
6. If the purpose of said petitioners is the enlargement, repair and maintenance of a ditch or drain or other work theretofore constructed, said petition shall give a general description of the same, with such particulars as may be deemed important.
7. Said petition shall pray for the organization of a drainage district by the name and with the boundaries proposed,

and for the appointment of commissioners for the execution of such proposed work, according to the provisions of this and the following sections.

Id.—Petition; Amendment—Consolidation of, Considered Together.

Sec. 2. The court may at any time permit the petition to be amended in form and substance to conform to the facts, if the facts justify the organization of a drainage district. Several similar petitions for the organization of the same district may be circulated, and when filed, shall together be regarded as one petition having as many signers as there are separate adult signers on the several petitions filed, who own lands within said proposed drainage district. All petitions for the organization of said district filed prior to the hearing on said petition shall be considered by the court, the same as if filed with the first petitions placed on file, and the signatures thereon contained shall be counted in determining whether sufficient land owners have signed said petition.

Id.—Territory Non-Contiguous—May be—Proviso.

Sec. 3. Said territory need not be contiguous, providing that agricultural interests will be promoted by such drainage of each part thereof, and the benefits of the proposed work in each part will exceed the damages from and cost of said proposed work in each part; and provided, further, that the court shall be satisfied that said proposed work can be more cheaply done if in a single district than otherwise.

Id.—Petition—Hearing—Notice—Publication—Essentials.

Sec. 4. On such petition being filed the court or judge thereof shall make an order fixing a time and place of hearing thereon and ordering notice; thereupon the clerk of said court, for the county in which the proceedings are instituted, shall cause twenty days notice of the filings of such petition to be given.

1. By posting notice thereof in at least five public places in the district in which said work is to be done.

2. By serving or causing to be served a copy of such notice on each owner or reputed owner of land within proposed district, residing in any county in which any lands in said proposed district are situated either personally or by leaving a copy thereof at his last usual place of abode, with a person of suitable age and discretion, to whom its contents shall be explained, and

3. By publishing a copy thereof at least once a week for three successive weeks in some newspaper published in each county from which any part of the district is proposed to be taken. If there be no newspaper in any such county, such notice may be published in a newspaper of general circulation in the district.

Such notice shall state:

1. In what court said petition is filed.
2. State briefly the starting points, routes and termini of said drains or ditches.
3. Give a general description of the proposed work.
4. Give the proposed boundaries of said district (or a general description of all the lands in said proposed district.)
5. Give the name proposed for said drainage district and
6. Shall also state the time and place by the court fixed when and where the petitioners will ask a hearing on said petition.

Id.—Non-Residents—Petition—Requisites.

Sec. 5. If any of the owners or reputed owners of land in said district are non-residents of the county or counties in which the proposed district lies, the petition shall be accompanied by an affidavit giving the names and postoffice addresses of such non-residents, if such are known, and if such are unknown, shall state that upon diligent inquiry their names or postoffice addresses (whichever may be the fact) cannot be ascertained. The clerk of the court shall mail a copy of the notice aforesaid to each of said non-residents whose postoffice address is known, within six days after the publication of the same.

Id.—Notice—Proof of Service.

Sec. 6. The certificates of the clerk of the court, or other public officer, or the affidavit of any person who knows the facts, affixed to a copy of said notice, shall be sufficient evidence of the posting, serving, mailing or publication thereof.

Id.—Notice—Personal Service—Effect.

Sec. 7. Personal service of said notice on or service by leaving at the usual place of abode of all owners or reputed owners of lands within said district shall give the court complete jurisdiction, without posting, publication or mailing of said notice.

Id.—Notice—Failure to Serve All—Effect—

Sec. 8. If it shall be found before the hearing on a petition for the organization of a drainage district, that one or

more owners or reputed owners of land in said district have not been duly served with notice of hearing on said petition, the court, or presiding judge, shall not thereby lose jurisdiction. The court, or presiding judge in such case shall adjourn the hearings, make an order directing the serving of said notice upon said land owner and fixing the time and manner of service of such notice, which notice shall notify him to appear at said adjourned time and place and be heard on said petition.

Id.—Notice—Time of Service—Personal—Publication.

Sec. 9. Said notice shall be served personally or by leaving at the usual place of abode of said unserved owners, or reputed owners as in Section 4 of this Act; provided not less than eight days before said hearing or published not less than fourteen days before said adjourned hearing, in some newspaper published in the county in which said owners lands lie, or if no newspaper be published in said county, then in some newspaper of general circulation in the district.

Id.—Hearing—Adjournment; Service; Court—Powers.

Sec. 10. Upon the adjourned day the same proceedings, adjournments, trial, findings and orders may be had as in case of complete service of notice in the first instance. In case of failure to mail said notice as herein required, the court or judge may order the same mailed at least fourteen days before said adjourned hearing. In case of failure to publish or post notice, as in this Act required, the court or judge may adjourn said hearing for sufficient time to permit the due posting and publication of said notice, and order said notice posted or published as in Section 4 hereof directed. In case of adjournment to permit notice to be given the notice shall state the fact of such adjournment and the time and place of hearing pursuant to said adjournment.

Id.—Hearing; Objections—Grounds of; Contest.

Sec. 11. On the day fixed for hearing on such petition all parties owning lands, or any interests or easements in land, within said proposed district, or who would be affected thereby, may appear and contest.

1. The sufficiency of the petition.
2. The sufficiency of the signers of the petition.
3. The sufficiency of the notice.
4. The constitutionality of the law, and

5. The jurisdiction of the court, specifying their objections to such jurisdiction; and the petitioners and contestants may, on the trial day offer any competent evidence in regard thereto. All notices of contest shall be in writing and shall clearly specify the grounds of contest.

Id.—Court—Duty—Petition—Requirements.

Sec. 12. The court shall hear and determine whether or not the petition contains the signatures of a majority of the adult owners of lands within the said proposed district who are of lawful age, and who represent one-third in area of the lands proposed to be affected by said work, (or the signatures of the adult owners of more than one-half of such lands) and shall determine all questions of law arising on said contest. The district court in which such petition shall be filed, or the judge thereof may adjourn the hearing on said petition from time to time for want of sufficient notice, or to give time to prepare for trial, or for other good cause.

Id.—Petition—Facts Stated on—Evidence—Prima Facie—What is.

Sec. 13. The affidavit of any three or more of the signers of said petition stating that they have examined it, and are acquainted with the locality of said district and that the signers of said petition are adult owners or reputed owners of lands in said district, to satisfy Section 1 of this Act, may be taken as prima facie evidence of the facts therein stated. And the affidavit of any petitioner or other land owner before such court, or represented before the court, giving the name of affiant and his or her ownership of the lands, described therein, shall be prima facie evidence to the court of such facts.

Id.—Petition—Deeds made to Defeat—Effect.

Sec. 14. Any deed made for the purpose of establishing or defeating the prayer of said petition, and not made in good faith and for a valuable consideration shall be taken and held to be a fraud, and the grantee therein shall not be considered as the owners of the land described therein.

Id.—Petition—Purchases After Notice—Bound.

Sec. 15. All purchasers of land within any drainage district or proposed drainage district after notice of such petition or any other notice provided by this Act, shall have been given, or after such petition as hereinbefore referred to has been filed, shall be deemed to have purchased the same with notice thereof

and shall be bound thereby to the same extent as the vendor of such lands would have been bound.

Id.—Petition—Defective—Dismissed.

Sec. 16. If the court, or presiding judge thereof, after hearing any and all competent evidence that may be offered for and against the said petition, shall find the same has not been signed as herein required, the said petition shall be dismissed at the cost of the petitioners, and judgment shall be entered against said petitioners for the amount of said costs.

Id.—Petition—Amendments; Commissioners—Bond—Qualifications.

Sec. 17. But if it shall appear that the petition has been so signed, the court or judge shall so find, and order any necessary amendments thereto, and shall appoint three residents of one or other of the counties in which such district is situate as commissioners and fix their bond. If the district is situated in two or more counties not more than two of said commissioners shall reside in any one of said counties. Ownership of land within the district shall not disqualify a person from acting as commissioner.

Id.—Commissioners—How Qualify—Duties—Quorum.

Sec. 18. Before entering upon their duties such commissioners shall take and subscribe an oath to support the Constitution of the United States and the Constitution of the State of New Mexico, to faithfully and impartially discharge their duties as such commissioners and to render a true account of their duties to the court by which they are appointed whenever required by law or the order of the court, and shall execute a bond running to the State of New Mexico to be filed with said clerk for the benefit of the parties interested, in an amount to be fixed by the court or presiding judge, with sureties to be approved by the court or presiding judge, conditioned for the faithful discharge of their duties as such commissioners and the faithful accounting for and application of all moneys which shall come into their hands as such commissioners. A majority shall constitute a quorum and a concurrence of a majority in any matter within their duties shall be sufficient to its determination.

Id.—Commissioners—Office—Term of—

Sec. 19. The commissioners first appointed shall hold their office until the first Tuesday in the second succeeding Septem-

ber following the date of the order organizing such district and until their respective successors are qualified. All commissioners appointed after the first board, excepting those appointed to fill vacancies shall hold their respective offices for the term of two years or until their respective successors are qualified.

Id.—Commissioners—Appointments as—by Whom—When.

Sec. 20. Appointments to fill expired terms in the office of drainage commissioners shall be made by the presiding judge of the district court of the county having jurisdiction of the drainage district at the court house therein, during the first ten days of September, or as soon thereafter as possible, on a day fixed by the court at least thirty days before such appointment is to be made and a written notice of the time fixed, mailed under direction of the court to each land owner of the district in each district in which such terms expire.

Id.—Commissioners—Vacancies—How Filled.

Sec. 21 Vacancies in the board may be filled by such judge at any time, the commissioners appointed to hold for the residue of the unexpired term. The removal of any commissioner from the county or counties in which lands of such district are situated shall render his office vacant.

Id.—Commissioners—Duties—Records.

Sec. 22. The commissioner shall keep an accurate record of all moneys collected on account of the work under their charge, and of all payments made by them, and shall take vouchers for such payments and shall keep full, accurate and true minutes of all their proceedings.

Id.—Commissioners—Duties—Annual Report.

Sec. 23. On the first Tuesday of September of each year they shall file in the office of the clerk of the court having jurisdiction in the matter an itemized statement of all their receipts and disbursements and leave said report in such office for examination by parties interested at all times.

Id.—Commissioners—Compensation—Expense.

Sec. 24. They shall receive for their services such compensation as the court or presiding judge thereof may determine. They shall also receive their actual reasonable expenses.

Id.—Commissioners—Under Supervision of Court.

Sec. 25. They shall at all times be under the control and

direction of the court or presiding judge, and shall obey its or his directions; failure to so to do they shall forfeit their compensation and be dealt with summarily as for contempt.

Id.—Commissioners—Bonds—Liable on for Neglect.

Sec. 26. Suit may also be brought upon their bonds, in the name of the State and the amount recovered shall be applied to the construction of the work or to the party injured, as justice may require.

Id.—Commissioners—Organization—Duties—Report to Court.

Sec. 27. Within ten days after said commissioners shall be appointed and qualified they shall meet and organize by electing one of their number president and one secretary, and as soon as may be thereafter, they shall personally examine the lands in said district and make a preliminary report to the court, which report shall state:

1. Whether said proposed work is necessary, or would be of utility in carrying out the purposes of the petition.

2. Whether the proposed work would promote agricultural interests, and whether there are any lands described in said petition which would not be benefited by such improvement.

3. Whether the total benefits from said proposed work will exceed the cost thereof together with the damages resulting therefrom; and in arriving at this they shall include all benefits and all damages resulting therefrom both within and without said district.

4. Said commissioners shall in said report fix as near as may be and report to the court the boundaries of said proposed drainage district. Said boundaries shall not be so changed from those in the petition described as to deprive the court of jurisdiction by reason of not having on the petition the required number of signers owning land within said changed boundaries.

Id.—Commissioners—Report as to Feasibility of Plan.

Sec. 28. If said proposed work as in the petition described, is not best suited to carry out the purposes of the petition the commissioners shall consider and base their report upon some other plan best suited to carry out those purposes and propose to the court the plan by them recommended.

Id.—Commissioners—Court Order Hearing on Report—Notice of.

Sec. 29. Upon the filing of the preliminary report the court

or the presiding judge thereof shall by order fix a time and place when and where the same shall be heard at some general or special term of said court, not less than thirty days from the filing of said report. Notice of the time and place of hearing upon said preliminary report shall be given to all interested persons by publishing a brief notice of the filing of said report, including a brief statement of the substance of said report in one or more newspapers published in each county in which any land in said proposed drainage district shall be situated (or if no newspaper is published in said county, in one or more newspapers of general circulation in the district) once in each week for three consecutive weeks prior to the day appointed for hearing thereon. Said notice shall describe all lands by said report included in said district, which were not included therein by the petition, and state that such lands are to be included in said district which were by the petition included therein and shall state that such lands are to be excluded from said district.

Id.—Commissioners—Report—Hearing on—Adjournment.

Sec. 30. Upon the day fixed for hearing upon said report, said court may adjourn said hearing for good cause or may proceed to hear, try and determine all issues arising upon said report.

Id.—Commissioners Report—Remonstrance—Writing.

Sec. 31. Any interested party may appear and remonstrate against said report or any material part thereof. All remonstrances shall be in writing, be verified on oath, be filed at least five days before the day fixed for hearing and shall set forth the facts upon which they are based.

Id.—Lands Added to; Notice to Owners.

Sec. 32. When lands are added to the district the owners thereof shall be served with said notice as provided for serving of notice of hearing on the petition.

Id.—Commissioners Report—Trial Without Jury—Judgment—Costs.

Sec. 33. All issues arising upon said preliminary report shall be tried by the court without a jury. If the court shall find in favor of the remonstrance, or if said report be that the proposed work will not promote the agricultural interests, or that the benefits from said proposed work will not exceed the

damages and cost of construction, and no remonstrance against said report is filed, the petition shall be dismissed and the costs taxed against the petitioners, and judgment entered therefor, as in Section 50 hereinafter provided.

Id.—Commissioners Report—Court Make Findings—Confirmation.

Sec. 34. But if the preliminary report be that the benefits of said proposed work (or work by the commissioners proposed) will exceed the damages and the cost of construction and that the agricultural interests will be promoted thereby, and no remonstrance thereto is filed, or if on the trial of the issues made on said report the court finds that the benefits will exceed the damages and cost of construction, and that the agricultural interests will be promoted by said proposed work, the court shall make and file such findings in writing and make an order confirm- [ing] said report or directing amendment of the report to conform to the findings of said court. And when so amended the court shall by order confirm the same and direct said commissioners to proceed with said work with all convenient speed.

Id.—Commissioners Report—Findings Final; Appeal Supreme Court.

Sec. 35. Such findings and order shall be final and conclusive unless appealed from, to the supreme court within thirty days after filing thereof.

Id.—Upon Confirmation of Report—Declared to be Organized—Corporation—

Sec. 36. Upon entering of such order of confirmation of said preliminary report of record, such drainage district shall be, and is thereby declared to be organized as a drainage district by the name mentioned in said petition, or such other name as the court shall fix, with the boundaries fixed by the order confirming the report of said commissioners, to be a body corporate by said name fixed in said order, with the right to sue and be sued, to adopt and use a seal, and to have perpetual succession.

Id.—Commissioners Constitute Corporate Authority—Powers.

Sec. 37. The commissioners appointed as aforesaid and their successors in office shall from the entry of such order of confirmation, constitute the corporate authority of said drainage district, and shall exercise the functions conferred on them

by law, and do all things and perform all acts necessary to the construction and preservation of the proposed work.

Id.—Body Corporate—Proceedings, Supra, Necessary to Constitute.

Sec. 38. All proceedings herein required, prior to the entry of such order of confirmation of record, shall be deemed to be and are hereby declared to be necessary to the formation of said body corporate.

Id.—Commissioners—Employ Engineer—Specifications, Etc.; Report to Court.

Sec. 39. As soon as may be after the confirmation of the said preliminary report, or within such time as the court may direct, said commissioners shall employ a competent drainage engineer and proceed to have all necessary levels taken and surveys made, and shall lay out said proposed work, make a map thereof and plans, profiles and other specifications thereof, and report in writing to the court.

First: Whether the starting point, routes and termini of proposed work and the proposed location thereof, as in the petition contained, are in all respects proper and feasible, and, if not, shall report such as are most proper and feasible.

Second: If it be found necessary to change the boundaries of said proposed district, as by them previously fixed, they shall report said proposed change, and, if possible, shall report the names, residence and postoffice addresses of the owner or owners of all lands affected by said change in boundaries, but no such change in boundaries shall be made as to deprive the court of jurisdiction; provided, however, that if the owners of lands adjacent to the district petition to have their lands brought in to the district such may be considered the same as original petitioners in making changes of boundaries.

Third: What lands within the district, as by them reported will be injured by the proposed work, if any and they shall therein award to each tract, lot, easement of interest by whomsoever held, the amount of damages which they shall determine will be caused to the same by the proposed work.

Fourth: What lands within the district as by them reported will be benefited by the proposed work and they shall assess against each tract, lot and easement by whomsoever held the amount of benefits which they determine will be caused to the same by the proposed work or the damages inflicted by same on the district. The benefits or damages assessed as provided in

this section are hereinafter referred to as "assessment of benefits."

Fifth: They shall also determine and report to the court the total amount, as near as they can determine, that said proposed work will cost, which amount shall include all incidental expenses, the reasonable cost of organizing said district, costs of proceeding and all probably [e] damage to lands, both within and without the district, together with a reasonable attorney fee for the petitioners, which cost will hereinafter be referred to as "cost of construction."

Sixth: If the cost of construction of any particular part of the work so proposed to be done should be assessed upon any particular tract or tracts, lot or lots of land, or upon any corporation or corporations, individual or individuals, company or companies not incorporated, the commissioners shall so specify, and in their report they shall fix and determine the sums which should be assessed against said tracts, lots and corporations, individuals, companies not incorporated and assess such sum against said tracts, lots, corporations, individuals, companies not incorporated.

Seventh: And if any corporation, individual or individuals, company or companies not incorporated, or public highway or highways would, in the judgment of said commissioners, derive special benefits from the whole or any part of such proposed work, the commissioners shall so report and assess those benefits and assess against the same its proportionate share of the costs of said proposed work. The word "corporation" wherever in this act contained, shall be construed to include:

1. Railroad companies.
2. Other private corporations of all kinds.
3. Towns.
4. Cities.
5. Villages; and
6. Other drainage districts.

Eighth: They shall apportion and assess the part of this "cost of construction" not assessed as in subdivision sixth and seventh of this section against the several benefited tracts, lots and easements in said drainage district, in proportion to the benefits which they have assessed against the same by setting down opposite each tract, lot or easement, the sum so apportioned to each. The assessments which together make

up the cost of construction as above defined, are herein referred to as "assessments for construction."

Ninth: The commissioners shall further report to the court the probable cost of keeping said proposed work in repair after it is completed.

Tenth: They shall include in their said report said map, plans and other specifications, and file the same with their report.

Id.—Commissioners—Further Powers; Report—Change—Application to Court.

Sec. 40. The commissioners shall not be confined to the points of commencement, routes or termini of the drains or ditches, or the number, extent or size of the same, or the location, plan or extent of any drain, ditch or other work, as proposed by the petitioners, but shall locate, design, lay out and plan the same in such manner as to them shall seem best, to promote the agricultural interests and to drain, or to protect the lands of the parties interested with the least damage and the greatest benefit to all lands affected thereby. And any plan proposed by the commissioners, may on the application of any person interested, on the hearing hereinafter provided for, or on the application of the commissioners, be altered by the court, by written order, in such manner as shall appear to the court to be just.

Id.—Commissioner—Boundaries Extended or Contracted.

Sec. 41. If the commissioners find that the proposed district as described in the petition filed, will not embrace all of the lands that will be benefited by the proposed work, or that it will include lands that will not be benefited and are not necessary to be included in said district for any purpose, they shall extend or contract the boundaries of the proposed district so as to include or exclude all such lands, as the case may be; and the boundaries adopted and reported by them, may, upon the hearing of their report, as hereinafter provided, upon their application, or that of any person interested, be altered by the court in such manner as shall appear to be just; provided, that the alteration of boundaries as aforesaid shall not have the effect of so far enlarging or contracting the proposed district as to render such petition void or dismissable. Said report shall be filed with the clerk of the court.

Id.—Commissioners—Report—Hearing—Notice—Provisions of.

Sec. 42. Upon the filing of said report, the court shall make and enter an order fixing the time and place when and where all persons interested may appear and remonstrate against the confirmations thereof, and the clerk of said court shall cause notice of the time and place of such hearing to be given to all parties interested, which notice shall contain a brief description of the lands benefited and damaged, together with the net damage awarded to the several tracts, parcels, easements and corporations to which damages are awarded, and the sum in each case assessed for construction against said several benefited parcels, tracts, easements and corporations.

Id.—Notice—Publication—Service—Proviso.

Sec. 43. Said notice shall be published for at least three successive weeks, prior to the day set for the hearing in one newspaper published in each county in which said lands, or any part thereof within said district are situated (and if no newspaper is published in said county, in some newspaper of general circulation in the district), and by serving a copy of such notice on each of the persons, or corporations, by said report recommended to be assessed, or whose lands are by said report recommended to be included in said district, and who reside in any of the counties out of which the proposed district is formed, at least 20 days before the day of hearing in the same manner that a summons is required to be served, provided, absence from the county of such person or corporation shall excuse personal service, whereupon due publication of such notice shall be sufficient service.

Id.—Notice—Land in Several Counties—Provisions of.

Sec. 44. In case the lands are situated in more than one county the notice published in the county wherein the court having jurisdiction is situated shall contain a description of all the lands in said proposed district the damages awarded to the several parcels thereof and amounts assessed for construction against the several parcels thereof, but the notice published in any other county or counties may contain a description of only the lands situate in said county for which said publication is made, together with the damages awarded to and assessments for construction against the several tracts, parcels easements and interests situate in said county for which publication is made.

Id.—Notice—Service—Waiver of—Publication Unnecessary.

Sec. 45. In case of service of said notice personally, or the acceptance and waiver thereof on all the owners of the lands within the district, said service shall be sufficient and give the court jurisdiction without said publication.

Id.—Commissioners Report—Modification—Court Refer Back.

Sec. 46. If the court finds that the report requires modification the same may by order of the court be referred back to the commissioners, who may be required to modify it in any respect.

Id.—Commissioners Report—Approval—Confirmation—Assessments—Final.

Sec. 47. If there be no remonstrance, or if the finding be in favor of the validity of the proceedings, or after the report shall have been modified to conform to the findings, the court shall confirm the report and order of confirmation shall be final and conclusive, the proposed work shall be (established and) authorized and the proposed assessments approved and confirmed, which approval and confirmation shall be final, unless within thirty days an appeal be taken to the supreme court.

Id.—Commissioners—Report—Order of Confirmation—Modification.

Sec. 48. Said order of confirmation may, at the same or at any subsequent term of said court, be revised, modified or changed, in whole or in part, on petition of the commissioners, after such notice as the court may require, to parties adversely interested.

Id.—Commissioners—Supplemental Report; Amendment of Original Notice.

Sec. 49. At any time prior to making the order confirming said report or thereafter the court may permit the commissioners to present and file a supplemental report, or amend their report as to any matter which, pursuant to the provisions hereof, was or might have been included in the original report presented by them, and after reasonable notice given to all parties interested, in such manner as the court shall direct, the court may, upon the hearing in said matter make such order as the case may require.

Id.—Petition, Proceedings—Dismissal—Costs.

Sec. 50. In case the petition or proceedings are dismissed as provided in Section 33 hereof, a judgment shall be entered

against [t] the petitioners and in favor of the commissioners for the costs, expenses and liabilities incurred in said proceedings, and for the benefit of those who have rendered services or advanced money in the prosecution of said proceedings, or have recovered costs on successful contests therein.

Id.—Judgment—Contribution Among Petitioners.

Sec. 51. All petitioners shall, among themselves, contribute in the payment of said judgment, in proportion to the number of acres of land they have within the boundaries of the proposed district.

Id.—Assessments—Payment in Installments.

Sec. 52. At the time of confirmation of such assessments, it shall be competent for the court to order the assessments for cost or construction, to be paid in not more than fifteen installments of such amounts and at such times as will be convenient for the accomplishment of the proposed work, or for the payment of the principal and interest of such notes or bonds of said district as the court shall grant authority to issue, for the cost of construction. The court may also, by such order, fix a date on which the first installment of the assessments for cost of construction shall become due, not more than five years after the date of the order, and each of said installments shall draw interest at the rate of not to exceed eight per cent per annum from the date of said order.

Id.—Assessments—Payable When—Lien on Land.

Sec. 53. Unless otherwise provided by said order, such assessment shall be payable at once; and from the time of the entry of said order, assessments for cost of construction and interest thereon, shall be a lien upon the lands assessed until paid. Any owner of land, or any corporation assessed for cost of construction, may at any time within thirty days after the confirmation of said report, pay into court, the amount of the assessment against his land or any tract thereof, or against an [y] such corporation. Said payment shall relieve said lands from the lien of said assessment, and said corporation from all liability on said assessment.

Id.—Assessments for Repairs—When Payable; Commissioners Report.

Sec. 54. Assessments for keeping any drain, ditch, levee or other work in repair under these provisions, shall be due and payable on the first Tuesday of September annually. Commis-

sioners having charge of any completed drain, ditch, or other work, shall, on the first Tuesday of June in each year, file with the clerk of the court having jurisdiction, a report in which they shall specify in detail the labor necessary to the preservation and protection of the work under their control, the places where repairs are specially needed, and the sum to be assessed against each tract, lot, easement or corporation to pay all necessary repairs. All such assessments shall be apportioned on the last assessments of benefits confirmed by the court.

Id.—Annual Report—Hearing—Court make Adjudication.

Sec. 55. Within thirty days after filing such annual report, at a time and place to be fixed by the court, or presiding judge, the court or presiding judge shall examine said report, hear all objections to the same, fix and determine the amount of such assessments and cause such adjudication to be entered of record in said court, and a certified copy of the same to be delivered to said commissioners.

Id.—Assessments—Collected Same Manner as Taxes—Proviso.

Sec. 56. If assessments against lands are not paid when due, they shall certify the same to the clerk of the town, city or county, in which the delinquent lands are situated, as due and unpaid for such work, and such clerk shall enter the same in the tax roll of such town, city or county, next thereafter to be made, against the land benefited, but in a separate column thereof, and the same shall be collected in the same manner in which State, county and town taxes are collected, except only that personal property, and all lands other than those against which the assessment shall have been made shall not be liable to seizure and sale therefor.

Id.—Commissioners—Powers—Easement—Inteferece With—Misdemeanor; Civil Action.

Sec. 57. The commissioners from the time of their appointment may go upon the lands lying within said district for the purpose of examining the same, and making plans, plats and surveys, and after the organization of said district, and payment or tender of compensation allowed, may go upon said lands, with their servants, teams, tools, instruments, or other equipments, for the purpose of constructing such proposed work, and may forever thereafter enter upon said lands as aforesaid, for the purpose of maintaining or repairing such proposed work,

doing no more damage than the necessity of the occasion may require; and any person or persons, who shall wilfully prevent or prohibit any of such persons from entering such lands for the purposes aforesaid, shall be fined any sums not exceeding \$25.00 per day for each day's hinderance to be recovered in an action of debt in favor of such drainage district court, which sum shall be paid into the treasury for the use of said district.

Id.—Commissioners—Powers—Eminent Domain.

Sec. 58. Where a drainage district has no sufficient outlet within its borders it is hereby provided that said district shall have the right to condemn right of way across the necessary lands to reach an outlet, the damages, if any, to the owners of lands through which the right of way is procured to be agreed upon by said owner and the commissioners of such district or if they cannot agree upon damages, the said drainage commissioners, shall proceed in the name of such drainage district to condemn such right of way which shall be so located so as to do the least damage to private or public property consistent with the proper use and economical construction of such outlet. Such land and right of way shall be acquired in the manner provided by law for the condemnation and taking of private property in New Mexico, for railroad, telegraph, telephone and other public uses and purposes.

Id.—Commissioners, Railroads—Eminent Domain Over for Ditches—Proviso.

Sec. 59. Upon receiving a thirty days notice from the commissioners in writing, which notice shall be accompanied by the plans and specifications, of the size and character of such ditch or drain, any railway company, over whose right of way or yard such drain or ditch shall be laid out, may perform the work of constructing such ditch or drain across its said right of way according to such plans or specifications so furnished, and such railway so constructing such ditch or drain shall receive fair compensation therefor to be allowed by the commissioners of such drainage district and approved by the court; Provided, that such railway company may be assessed for benefits derived from such drainage in the same manner and to the same extent as other land owners benefited in the immediate vicinity thereof, are assessed. If such railway company shall fail to commence and proceed with the construction of such ditch or drain as in this section provided, after the notice as herein provided, the commissioners may at any time after the

expiration of said thirty days open or cause to be opened such right of way or yard along the line of such ditch or drain and construct the same in like manner as such ditch or drain is constructed through the property of individuals, Provided, that such construction shall be carried on in such manner as will not interfere with the operation of said railway.

Id.—Commissioners—Additional Assessments for Construction.

Sec. 60. If in the first assessment for construction the commissioners shall have reported to the court a smaller sum than is needed to complete the work of construction, or if in any year an additional sum is necessary to pay the interest on lawful indebtedness of said drainage district, further or additional assessments on the land and corporations benefited, apportioned upon the last assessment of benefits which has been approved by the court, shall be made by the commissioners of said drainage district under the order of the court or presiding judge thereof without notice, which further or additional assessment may be made payable in installments as specified in Section 53 hereof, and shall be treated and collected in the same manner as the original assessments for construction confirmed by the court in said drainage district.

Id.—Commissioners—Failure to Make Assessments—Correction; Jurisdiction of Court.

Sec. 61. Omission to assess benefits, or to assess for cost of construction, or to make additional assessments, or to make assessment for repairs against, or to award damages to any one or more tracts of land or easements in a drainage district, or to assess benefits, or to assess for cost of construction, or to assess for repairs, or to make additional assessments against any corporation which should have been assessed, shall neither affect the jurisdiction of the court to confirm any report nor to render the benefits assessed, or the assessments for cost of construction, or additional assessments or assessments for repairs against other lands, or assessments against any corporation voidable, but the commissioners of said drainage district shall thereafter, as soon as they discover the omission, or receive notice thereof, either agree with the omitted parties upon the proper assessments or damages or make such assessments against the omitted lands and corporations, and award such damages as shall be just, and report the facts, together with such assessments and awards, to the court.

Id.—Commissioners; Land Owners Contesting Assessments—Procedure—Evidence.

Sec. 62. Any owner of land, or any interest in land, within a drainage district, who claims that his land in said district is exempt from liability for, or lien of any assessment for cost of construction or repairs, or any additional assessment by said commissioners levied against the same whether said assessments be the first or any subsequent assessment or questions the legality of such assessment, may at any time within thirty days after such assessment shall have been made and on ten days' notice to such drainage commissioners appear before the court having jurisdiction and show cause why said land should not be bound by all drainage assessments in any report or reports of the commissioners of said district assessed against the same. The presumption shall be in favor of the regularity of such assessments, and they shall stand as valid assessments unless the owner of such land, or some interest therein shall show that said assessment is inequitable, or is void because the lands were not subject to assessment in the first instance.

Id.—Assessment Void—Commissioners May Levy Additional.

Sec. 63. In the case the court decides that such lands should not, at the time said assessments were made be assessed for drainage purposes, and that said assessment or assessments, are void, the commissioner may levy an additional assessment on all of the assessable lands and corporations in said district based on the last assessment of benefits approved by the court, to realize the sum lost to the district by reasons of the void assessment.

Id.—Commissioners—Powers—Borrow Money—Issue Notes, Bonds to Secure.

Sec. 64. The commissioners may borrow such an amount as is necessary to meet the preliminary expenses authorized by this Act, and secure the same by notes bearing interest at a rate not to exceed eight per cent. per annum, and not running beyond one year from their date, and may further borrow money, not exceeding the amount of assessment for cost of construction, additional assessment and assessments for repairs, outstanding at the time of borrowing, for the construction or repair of any work which they shall be authorized to construct or repair, or for the payment of any indebtedness they may have lawfully incurred and may secure the same by notes or bonds, bearing interest at a rate not to exceed eight

per cent per annum, and not running beyond one year after the last installment of the assessment, on the account of which the money is borrowed, shall fall due, which said notes or bonds shall not be sold at less than ninety per cent of their face value, which said bonds shall be transferable by delivery to the same extent as negotiable paper; and which notes or bonds shall not be held to make the commissioners personally liable, but shall constitute a lien upon the assessments for the repayment of the principal and interest of such notes or bonds. No commission other than the discount hereinabove provided shall be allowed for the sale of such bonds and such bonds shall not be subject to taxation by the State of any subdivision thereof. All sales to be approved by the court.

In case any moneys derived from bonds sold to pay for the original construction of said improvements (now or hereafter) remains on hand after the work is completed in original construction, and paid for, and not required to pay damages, such residue may be used for maintenance and repair.

Id.—Commissioners—Powers—Refund Indebtedness on Order Court.

Sec. 65. And the court may, on the petition of the commissioners authorize them to refund any lawful indebtedness of the district by taking up and cancelling all of its outstanding notes and bonds, as fast as they become due, or before, if the holders thereof will surrender the same, and issuing in lieu thereof new notes, or bonds of such district, payable in such longer time as the court shall deem proper, not to exceed in the aggregate the amount of all notes and bonds of the district then outstanding, and the unpaid, accrued interest thereon, and bearing interest not exceeding eight per cent per annum.

Id.—Commissioners—Construction—Work Lowest Bidder—Publication.

Sec. 66. In all cases where the estimated cost of the work to be done at any one time under the direction of the commissioners shall exceed five hundred dollars, the same shall be let to the lowest responsible bidder, and the commissioners shall advertise for sealed bids, by notice published in some newspaper published in the county in which the petition is filed, and may advertise in one or more newspapers published elsewhere. If there be no newspaper published in the county in which the petition is filed, they shall advertise in some newspaper of gen-

eral circulation in the district, which said notice shall particularly set forth the time and place when and where the bids advertised for will be opened, the kind of work to be let and the terms of payment. Said commissioners may continue the letting from time to time, if in their judgment the same shall be necessary, and shall reserve the right to reject any and all bids.

Id.—Commissioners Not to be Interested in Contracts.

Sec. 67. And they shall not during their term of office, be interested directly or indirectly in any contract for the construction of any drain, ditch, or other work in such drainage district, or in the sale of materials therefor, or in the wages of or supplies for men or teams employed on any such work in said district.

Id.—Commissioners—Damages to Lands to be Paid Before Entering Upon Lands—Proviso.

Sec. 68. The damages allowed to the owners of lands shall be paid or tendered before the commissioners shall be authorized to enter upon such lands, for the construction of any drains or ditches proposed thereon. If the owner is unknown or there shall be a contest in regard to the ownership of the lands, or the owner will not receive payment, or there exists a mortgage or other lien against the same, or the commissioners cannot for any other reason pay him, they may deposit the said damages with the clerk of the court, for the benefit of the owner, or parties interested, to be paid or distributed as the court shall direct and such payment shall have the same effect as the tender to and the acceptance of the damages awarded by the true owner of the land. This section shall not, however, prevent said commissioners, their agents, servants and employes going upon said lands to do any and all work found necessary prior to making their report thereof.

Id.—Benefits to Other Lands—Procedure.

Sec. 69. Whenever any lands outside a drainage district are receiving the benefits of the drains of said district, by direct or indirect, natural or artificial connection therewith, or are damaging those in the district, the commissioners of said district may report said facts to the court and ask that said lands, describing them, be brought into said district and assessed for the benefit by them received from the drains, or ditches of said district, or damages inflicted.

Id.—Owners of Other Lands Shown Cause.

Sec. 70. Upon filing of said report the court shall order the owners of such lands to be notified of the filing of said report and the contents thereof, and shall require such owners to show cause at a time and place fixed therein, not less than twenty days thereafter, why their said lands should not be brought into said district and assessed for said benefits.

Id.—Owners of Other Lands—Remonstrance.

Sec. 71. At the time and place fixed for hearing said report any of said land owners may appear and remonstrate against the confirmation of said report. All remonstrances shall be in writing, verified and shall set forth the facts on which they are based. All issues arising on said report shall be tried by the court without a jury.

Id.—Owners of Other Lands—Assessed—Made Part of District.

Sec. 72. If the court shall find that said lands or any of them are receiving the benefits of any such drain or ditch, the court shall so find in writing and shall order said lands to be annexed to and made a part of said district and benefits to be assessed against the same by the commissioners of said district.

Id.—Owners of Other Lands—Order Conclusive—Appeal Supreme Court.

Sec. 73. Said order shall be final and conclusive unless appealed to the supreme court within thirty days from the date of entry thereof.

Id.—Owners of Other Lands—Assessed for Benefits.

Sec. 74. Said commissioners, shall, after the time for appeal is passed, assess against each parcel, tract and easement of and in said annexed lands reasonable and just benefits, and shall assess against said lands for construction and repairs such sum as shall be just.

Id.—Commissioners File Report of Assessments—Owner Show Cause.

Sec. 75. The commissioners shall file their report of such assessments in court. The court shall by order require said owners to show cause at a time and place therein fixed not less than twenty days after service of said order, why said report of assessments should not be confirmed and on such hearing the court shall either amend, confirm or reject such report of assessments.

Id.—Commissioners—Court Requiring Reports—Removal of—Etc.

Sec. 76. The court shall at all times have supervision of said commissioners, and may at any time require them to make a report on any matter or matters connected with their duties as commissioners, and after due hearing may remove from office any or all of said commissioners for neglect of duty or malfeasance in office or for other good cause. The court may at any time require the commissioners to give new bonds and may fix the amount thereof, and said bonds shall be submitted to the court or the presiding judge thereof for approval.

Id.—Commissioners Bonds—Not Affected by Change Assessments.

Sec. 77. No bond or other money obligations issued by any drainage district shall be adversely affected by any subsequent change in assessments of benefits.

Id.—Commissioners Declared Public Officers; Evidence—Official Acts—Burden Proof.

Sec. 78. Commissioners of drainage districts are hereby declared to be public officers. The presumption shall be in favor of the regularity and validity of all their official acts. Whenever any report of the commissioners of any drainage district or any part of said report is contested, remonstrated against or called in question, the burden of proof shall rest upon the contestant, remonstrant or questioner.

Id.—Owners of Land—Rights; Eminent Domain.

Sec. 79. The owner of any land that has been assessed for the cost of the construction of any ditch, drain or water course, as herein provided, shall have the right to use the ditch, drain or water course as an outlet for lateral drains from said land; and if said land is separated from the ditch, drain or water course by the land of another or others, and the owner thereof shall be unable to agree with said other or others as to the terms and conditions on which he may enter their lands and construct said drain or ditch, and he may acquire a right of way therefor by condemnation as hereinafter provided by the provisions of Section 82.

Id.—Assessments—Collection of—Imperfect Organization Does not Affect.

Sec. 80. The collection of any assessments made by the commissioners for construction and confirmed by the court, shall not be restrained or obstructed by reason of any omission, imperfection or defect in the organization of any district or in the pro-

ceedings occurring prior to the order confirming the assessments of benefits, but such order shall be conclusive as to the regularity of all proceedings relating to the assessments of benefits unless appealed from within thirty days after the entry of such order.

Id.—Obstructing Drains—Bridges—Use Water—Misdemeanor.

Sec. 81. No person, firm, county or corporation, or other municipal corporation, shall sink, set, or drive any post, pillars or piling in any of the drains or ditches constructed under the provisions of this Act, for the purpose of erecting any bridge, trestle or covering over or across any such drain or ditch. All supports for any such bridges shall be entered or placed on the banks of such drain or water course so as not to obstruct the flow of water therein. No person taking water for any purpose, from any drain or ditch, constructed under the provisions of this Act, shall take said water in such manner as to obstruct the flow of water in, or in any way diminish the efficiency of, said drain or ditch. Any person who shall violate any of the foregoing provisions of this section or who shall place logs, brush or any other like substances, or fell trees into them, which will obstruct the flow of water in any of the drains or water courses constructed in whole or in part under the provisions of this Act, or in any stream which will flow through such improvement, and any public officer or any employe who shall fail or refuse to perform any of the duties required by this Act, shall be deemed guilty of a misdemeanor, and shall be liable for all damages caused thereby.

Id.—Eminent Domain for Construction.

Sec. 82. Any person, firm, corporation or association may exercise the right of eminent domain to take and acquire land right of way for the construction, maintenance and operation of a drainage ditch, which shall be located as to do the least damage to private property consistent with its proper use and construction, such land and right of way shall be acquired in the manner provided by law for the condemnation and taking of private property in the State of New Mexico for railroad, telegraph and telephone and other public uses and purposes.

CHAPTER 85.

AN ACT FOR THE PROTECTION OF GAME AND FISH, CREATING THE DEPARTMENT OF GAME AND FISH, PROVIDING FOR THE APPOINTMENT OF A GAME AND FISH WARDEN, AND PRESCRIBING HIS DUTIES. *H. Sub. H. B. No. 198; Approved June 14, 1912.*

Be It Enacted by the Legislature of the State of New Mexico:

Game and Fish Department Created; Warden—Appointment—Qualifications—Salary.

Section 1. The department of game and fish is hereby created, and immediately upon the passage of this Act, the Governor shall, by and with the consent of the Senate, appoint some person skilled in matters relating to game and fish, to be Game and Fish Warden, who shall be the head of the game and fish department.

The Game and Fish Warden shall be a resident and citizen of this State, and shall hold his office until his successor shall be duly appointed and qualified. The Game and Fish Warden shall receive a salary of eighteen hundred dollars (\$1800.00) per annum, together with his reasonable and necessary traveling expenses, to be paid as the salary and expenses of other State officers.

Warden—Give Bond—File with Secretary State.

Sec. 2. Before entering upon the duties of his office, the Game and Fish Warden shall give a bond to the State of New Mexico in the sum of two thousand dollars (\$2000.00) for the faithful performance of such duties, with sureties to be approved by the Auditor of State, the same to be filed with the Secretary of State, and he shall also take and file an oath similar to that required by other State Officers.

Warden—Powers—Appoint Deputies, Compensation—Duties; Neglect Duty—Misdemeanor.

Sec. 3. Such Game and Fish Warden shall have the power to appoint deputies in this State, and to remove the same from office, who shall be especially charged with the duty of enforcing the fish and game laws of the State of New Mexico, and such deputies shall receive in full compensation for their services one-half of all fines imposed upon prosecutions procured or instituted

by them, and convictions secured thereunder, for violations of the game and fish laws of this State, and each deputy so appointed shall qualify by filing with the Game and Fish Warden of the State of New Mexico, an oath of office in the form now prescribed by law for State officers. It shall be the duty of the Game and Fish Warden of the State of New Mexico and of each and every deputy rigidly and strictly to care for and enforce the provisions of this and all other laws of the State of New Mexico for the protection of fish and game of whatsoever kind or description, and to institute or cause the institution of prosecutions for any and all violations of such laws, and to that end such Game and Fish Warden and each and every one of his deputies, are hereby authorized and required to arrest, or cause to be arrested, all violators of such law, and to lodge accusations against them in a court of competent jurisdiction in the premises; to gather evidence on behalf of the prosecution of such offenders, and to do any and all things necessary to the punishment hereunder and the laws of the State of New Mexico of any violations of this or any other law of said State on the subject of fish and game and the protection thereof. And such Game and Fish Warden or such deputy shall be liable to a fine of not less than one hundred dollars (\$100.00) nor more than two hundred and fifty dollars (\$250.00) or imprisonment for not less than thirty nor more than ninety days for any failure to arrest and prosecute any person violating any of the provisions of this Act; provided, that such violations come within the knowledge of such Warden or deputy, and the conviction thereof shall also operate as a removal of such person from office.

Fish—Manner of Catching—Open Season—Unlawful Possession—Misdemeanor.

Sec. 4. It shall be unlawful for any person to catch, kill or have in possession, any species of trout or game food fish found in any of the public streams or waters of this State unless such fish has been taken with a hook and line attached to a rod or held in the hand, and unless such fish be so caught or taken between the fifteenth day of May and the fifteenth day of October in any year; and any person catching, killing or having in possession any such fish taken in any other manner or at any other time, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), or by imprisonment not less than thirty days nor more than sixty days,

or by both such fine and imprisonment in the discretion of the court; and every fish caught or killed in violation hereof shall cause a separate and distinct prosecution of such offender, as for a separate and distinct offense.

Fish; Sawmills Depositing Saw Dust; Use of Poisonous Drugs—Explosives—Misdemeanor.

Sec. 5. It shall be unlawful for the owner or owners of any saw mill, or any of the employees thereof, or any other person or persons whomsoever, to deposit, throw, or in any way permit to pass into any natural stream, or any lake wherein are living fish, any saw dust, or any other substance that will or may tend to the destruction or driving away of any such fish from any such water; and it shall be unlawful to use for the killing or catching of any fish, any poisonous, deleterious or stupifying drug, dynamite, giant powder or other explosive at any time; and every person violating any of the provisions of this section, shall upon conviction thereof be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred and fifty dollars (\$150.00) or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment.

Game Fish—What Are.

Sec. 6. Game fish, as defined by this Act, are small and large mouthed bass, and speckled trout of whatsoever variety and species, also catfish, croppies, and ring perch.

Indians—Act Applies to.

Sec. 7. The provisions of this Act shall apply to all Indians off the reservation within this State or coming into this State from adjoining States.

Elk—Mountain Sheep—Goats, Beaver, Ptarmigan Unlawful to Kill or Injure—Proviso—Misdemeanor.

Sec. 8. After the passage of this Act it shall be unlawful to kill, trap, ensnare, or in any manner destroy or injure, at any time, any elk, mountain sheep, beaver, mountain goat or ptarmigan within the State of New Mexico, and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not less than thirty days nor more than ninety days or by both such fine and imprisonment in the discretion of the court; provided, that the State Game and Fish Warden may grant permits for

the capture of such beaver as interfere with the operation of any lawful canal, ditch or dam or the destruction of private property and for the capture of beaver to be transferred from one stream to another.

Prohibited Game Birds, and Fish—Possession of, Hotels Naming on Menu (Exception) Unlawful; Imported Game, Etc.—Permit—Proviso.

Sec. 9. No game fish shall be held in possession of, or placed upon the table of any hotel, restaurant, cafe or boarding house, or named on its menu, or bill of fare as food for its patrons either under the names used in this Act or the Laws of New Mexico, or under any name or guise whatever when the same shall have come from any of the streams or waters within the State of New Mexico, except as provided for by Division A of this Act, or any game known as elk, deer, antelope, or mountain sheep killed within the State of New Mexico; or any game birds known as wild turkey, mountain grouse, native or crested quail, turtle dove, pheasant, bob-white quail, wild pigeon, or ptarmigan or wild ducks killed within the State of New Mexico; and none of the game animals, birds or fish mentioned in this section shall be held in possession by any person for more than five days after the close of the season for killing or taking the same without obtaining a storage permit; and whenever any proprietor, manager, keeper or owner of any hotel, restaurant, cafe or boarding house, shall import any game animals, birds or fish into the State of New Mexico, it shall be the duty of such proprietor, manager, keeper or owner immediately to report the fact to the Game and Fish Warden of the State of New Mexico, or to his deputy within the county, and to apply for a permit to sell and offer for sale the same; and upon satisfying the said warden or deputy by the production of invoices, bills of lading and other required proof that such game animals, birds or fish came from without the State of New Mexico, then a permit may be issued by such warden or deputy for a period not greater than thirty days, to said proprietor, manager, keeper or owner of such hotel, restaurant, cafe or boarding house, allowing him to sell and offer for sale the same during the period stated in said permit; provided, that the provisions of this section shall also apply to any business house or merchant within the State of New Mexico importing or offering for sale, or selling game animals, birds or fish brought from without said State.

Any person failing to comply with the provisions of this sec-

tion, or violating any of the provisions thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than thirty days nor more than sixty days, or by both such fine and imprisonment in the discretion of the court.

Propagation of Game, Fish—by Owner of Enclosure—Notice—Publication—Misdemeanor.

Sec. 10. Whenever the owner or lessee within any enclosure or pasture in the State of New Mexico shall desire to protect or propagate game birds, animals, or fish within said enclosure or pasture he shall publish notices in both English and Spanish, warning all persons not to hunt or fish within said enclosure or pasture, which notices shall be by hand bills posted in at least six conspicuous places on said premises, and by publication for three consecutive weeks in some newspaper of general circulation in the county wherein said premises are situated. After the publication and posting of such notices it shall be unlawful for any person to enter upon said premises or enclosure for the purpose of hunting or fishing, or to kill or injure any birds, animal or fish within such enclosure or pasture at any time without the permission of such owner or lessee, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than thirty days nor more than sixty days, or by both such fine and imprisonment in the discretion of the court.

Game, Fish; Buying or Selling—Transporting by Common Carriers for Market (Exception)—Unlawful—Misdemeanor.

Sec. 11. It shall be unlawful for any person or persons, agent or employee, or any association or corporation, to buy or sell, or to expose or offer for sale, any species of trout, or game food fish taken from the public streams or waters of the State of New Mexico; or any game known as elk, deer, antelope or mountain sheep, killed within the State of New Mexico; or any game birds known as wild turkey, mountain grouse, native or crested quail, wild pigeon, duck, turtle dove or ptarmigan, killed within the State of New Mexico at any time; and it shall be unlawful for any railway, express company, stage line or other public carrier, or any of their agents or employees, to receive or have in

their possession for transportation for market, any species of trout or game food fish, taken from the streams or waters of the State of New Mexico; or any game known as elk, deer, antelope, or mountain sheep, killed within the State of New Mexico; or any game birds known as wild turkey, mountain grouse, native or crested quail, turtle dove, pheasant, bob-white quail, wild pigeons, ducks or ptarmigan, killed within the State of New Mexico, or to transport the same for market after the passage of this Act, except as provided for in Section 23 and Division A of this Act, and any person or persons, agent or employee of any such association or corporation violating any of the provisions of this section, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100.00).

License for Hunting Protected Game—Required; How Procured; Resident, Non-Resident.

Sec. 12. No person shall at any time shoot, hunt or take in any manner any game which is by law protected in this State without first having in his possession a hunting license as hereinafter provided for the year in which such shooting or hunting is done. Hunting licenses shall be issued by the county clerks when duly authorized by the State Game Warden and such deputies as may be designated for that purpose by the State Warden.

(1) A general hunting license shall entitle the person therein named to hunt game quadrupeds and birds during the open season therefor.

(2) A big game license shall entitle the person therein named to hunt game quadrupeds during the open season therefor. (Wild turkeys are classified as big game under the meaning of the Act.)

(3) A bird license shall entitle the person therein named to hunt game birds other than wild turkeys during the open season therefor.

Any person may procure the hunting licenses herein provided for such person by applying to the State Warden or any deputy warden authorized to issue hunting licenses, stating his or her name, age, height, weight, place of residence, postoffice address, color of his or her hair and eyes, and paying the sum herein provided for such resident, non-resident, resident-alien, or non-resident-alien hunting license.

Any person who has been a bona fide resident of this State for six months then last past shall be entitled to procure a resident

hunting license. (Pueblo and Reservation Indians of this State shall be considered residents for the purpose of this Act.)

Any person not a bona fide resident of this State, but who is a bona fide resident of the United States, shall be entitled to procure a non-resident hunting license.

Any unnaturalized foreign-born person who has lived in this State for six months then last past, shall be entitled to procure a resident-alien hunting license; provided that no hunting license shall entitle the holder thereof to hunt or kill game upon or within any park or enclosure licensed or posted in accordance with this Act without permission of the owner or licensee thereof.

License—Requirements of.

Sec. 13. All hunting licenses shall be numbered consecutively, when printed and shall expire with the calendar year in which issued and shall state the name, age [age] height, weight, place of residence, postoffice address, color of hair and eyes of licensee and no license shall be issued except on a blank furnished by the State Warden.

License, Permit—Possession of Game or Fish Without—Unlawful; Evidence.

Sec. 14. The possession of game or fish at any time unaccompanied by a proper and valid license, certificate, permit or invoice, as herein provided, shall be prima facie evidence that such game or fish was unlawfully taken and is unlawfully held in possession, and it shall be the duty of every person having possession or control of game or fish to produce the proper license, certificate, permit, or invoice when one is required by this Act, on demand of any officer, and to permit the same to be copied by such officer.

Game, Fish and Birds—Open Season for Taking.

Sec. 15. The open season for hunting, taking or possession [ing] any of the animals, birds or fish protected by this Act shall be between the following named dates only, both inclusive:

(1) Deer with horns from October 1st to November 15th of each year.

(2) Grouse, September 1st to November 15th, native or crested, Messina, California or helmet quail from November 1st to January 31st, of each year.

(3) Wild turkey, from November 1st to January 15th of each year.

(4) Doves from July 1st to September 30th of each year.

Taking of Certain Game and Birds Prohibited for Five Years.

Sec. 16. It shall be unlawful to kill, trap, ensnare or in any manner injure or destroy, or have in possession, any antelope, elk, pheasant, bob-white quail, wild pigeon, or prairie chicken, within the State of New Mexico for a period of five years after the passage of this Act.

Taking of Certain Birds Prohibited—Proviso.

Sec. 17. It shall be unlawful to kill, trap, ensnare, or in any manner injure or destroy, or have in possession any snipe, curlew, plover and duck within the State of New Mexico, except that such birds may be killed with a gun only during the period commencing September 1st to March 31st of each year.

Game and Fish; Limitation as to Amount Taken.

Sec. 18. The right given by this Act to take or kill game or fish is limited to four wild turkeys, six grouse, twenty ducks, thirty other birds, fifteen pounds of trout not less than six inches in length, fifteen pounds of bass not less than seven inches in length, for each person in any one calendar day, and no person shall kill, take or have in possession in any one season more than one deer with horns nor have in possession at one time more than four wild turkeys, six grouse, thirty ducks or thirty other birds nor more than twenty-five pounds of trout or bass and no game or fish shall be held in possession by any person more than five days after the close of the season for killing of same, except as in this Act otherwise provided.

Game and Fish; Use Steel Bullets—Night Fishing—Snare, Etc., Prohibited—Proviso.

Sec. 19. No game shall be pursued, wounded, taken or killed with a steel or hard pointed bullet, and in no instance shall fishing be done between the hours of nine o'clock p. m. and four o'clock a. m., nor shall any person use in the pursuit, taking, wounding or killing any animals, birds or fish protected by this Act, any net, seine, trap, cage, snare, salt lick, blind, scaffold, deadfall, pit, snag hook, artificial light or similar device whatever; provided that dogs, blinds, sinks and decoys may be used in hunting birds; nor shall any person engage in hunting or shooting within the limits of any city or town, except the town or city council may by ordinance fix a line within their limits permitting the same.

License—Act as Guide—Required; Qualification.

Sec. 20. No persons shall directly or indirectly engage or act

as guide, as the term is generally understood, for any person or party in hunting protected game without having satisfied the State Warden of his reliability and procured from the State Warden a license therefor and having the same in his possession while so acting. No guide license shall be granted except to a bona fide resident of this State.

License; Guide Deputy Warden—Powers—Disqualification—Misdemeanor.

Sec. 21. Every guide licensed under this Act shall, by virtue of such license, be entitled to act as deputy warden, without pay, and when commissioned as such shall have the power of a deputy warden as provided in said Act, and if he shall violate or connive or assist in any violation of this Act, his license and commission may be revoked by the State Warden, and he shall be disqualified to act as a guide during that year, and also be liable to punishment as for a violation of this said Act.

License; Guide—Fee—Duties.

Sec. 22. Every guide shall, as often as requested and on blanks furnished by the State Warden, report under oath to the State Warden the name and number of persons guided by him, the number of days he has been so employed, and as near as practicable, the number of game animals, birds and fish taken or killed by such persons and himself, and such other information as the State Warden may deem desirable. The fee for a guide license shall be five dollars (\$5.00) per year. All such licenses shall expire with the calendar year in which issued.

Game—Fish; Seized by Officers—Disposal of—Proceeds.

Sec. 23. All game and fish seized under the game laws shall without unnecessary delay be sold by the officer making such seizure, or by the State Warden, except when such sale is impracticable or likely to incur expenses exceeding the proceeds, in which case the same shall be donated to some charitable institution or needy person not concerned in the unlawful killing, or possession thereof. The officer making such seizure shall sign and give to each purchaser or donee an invoice stating the time and place of disposition, the kind and weight as near as may be of the game or fish disposed of and the name of the purchaser or donee. Such invoice shall authorize possession, transportation and use within the State, and storage for thirty days from date. The proceeds from such sale, after deducting the cost of seizure and sale shall, if made by the State Warden or any deputy under

salary, be paid into the game protection fund, but if made by a deputy warden not under salary, or any other officer, shall be paid one-half to the officer making such seizure.

Game—Fish; Seizure—Sale; Officer Report.

Sec. 24. In all cases the officer making a seizure or sale shall, within ten days thereafter, report all the particulars thereof and an itemized statement of the proceeds, expenses and fees and the disposition thereof, and pay the remainder of the proceeds, if any, to the State Treasurer to be by him paid into the game protection fund.

Game—Fish—Seizure of; Officer Use Vehicles—Proviso.

Sec. 25. Where game or fish while being transported is seized under this Act, the officer making such seizure shall have authority upon payment of reasonable compensation therefor, to also take possession of and use any animals and vehicles used in such transportation for the purpose of conveying the game or fish seized to a convenient railroad station or place of safe-keeping or sale, and also for conveying any person arrested for the unlawful possession of such game or fish to a place of hearing or trial, and no liability shall attach to such officer by reason thereof, but this section shall not apply to any animal or vehicle while being used as a public conveyance for passengers or mails, or any railroad car.

Game—Fish; Held in Storage—When Lawful.

Sec. 26. No game or fish shall be received or held in storage except as follows, namely:

(1) During the open season therefor and for five days thereafter when the same is stored for the person lawfully in possession of the same.

(2) At any time of the year when there is attached thereto a proper and valid officers invoice as provided in this Act relating to the seizure of game and fish for not more than thirty days after the date of such invoice.

(3) When there is attached thereto a proper and valid certificate or permit signed by the State Warden or deputy and on its face authorizing storage of the article named therein and during the period therein stated.

Game—Fish; Possession of—Served in Hotels—When Lawful.

Sec. 27. No game or fish protected by this Act shall be held in possession or placed upon the table of any hotel, restaurant,

cafe, or boarding house, or named in its menu or bill of fare as food for its patrons, either under the name used in this Act or any name or guise whatever when the same shall have been killed or taken in this State except as follows, namely:

(1) At any time of the year when the same has been sold or is held in possession in accordance with the provisions of Section 23 and Division A of this Act, relating to the seizure and sale by an officer of game and fish killed or held in violation of this Act.

(2) During the open season therefor and five days thereafter or during the life of a storage permit thereto attached at the request of the person lawfully in possession of the same, and for the personal use of such person and his invited guests.

Game—Fish; Hotels—Naming on Menu; Evidence.

Sec. 28. The naming of game and fish upon any menu or bill of fare as food for patrons shall be prima facie evidence of the possession of the same by the proprietor of such hotel, restaurant, cafe or boarding house.

Game—Fish; Interstate Shipments; Consignee Preserve Evidence.

Sec. 29. All permits, invoices, bills of lading and other required proofs that game or fish comes from without the State shall be preserved by the proprietor for at least thirty days after the consumption of the game or fish therein described and shall be delivered to the State Warden or his deputy on demand therefor within such time.

Streams—Diverting Water from—Maintain Wheel or Device.

Sec. 30. It shall be the duty of the owner or owners of any canal or ditch into which any portion of the waters of any stream containing game food fish as defined by this Act are diverted for the purpose of irrigation or any other purposes which consumes such waters or any user of such waters so diverted, to construct and maintain at the head of such canal or ditch a paddle wheel or wheels, or other device, as may be directed by the State Warden, which shall be maintained during such portion of each year as such waters are diverted for irrigation or other purposes.

Public Nuisance—Nets, Traps, Explosives—When Deemed to be—Proviso.

Sec. 31. Every net, trap, explosive, poisonous or stupefying substance, or device used or intended for use in taking or killing game or fish in violation of this Act, and set, kept or found in or upon any of the streams or waters in this State or upon the

shores thereof, and every trap, device, blind or deadfall found baited in violation of this Act, is hereby declared to be a public nuisance and may be abated and summarily destroyed by any person and it shall be the duty of every officer authorized to enforce this Act to seize and summarily destroy the same and no prosecution or suit shall be maintained for such destruction; provided, that nothing in this Act shall be construed as affecting the right of the State Warden to use such means as may be proper for the promotion of game and fish propagation and culture, nor as authorizing the seizure or destruction of firearms.

Arrest; Deputy Warden; Fees; Costs.

Sec. 32. When an arrest for a violation of the game laws is made by a deputy warden not under salary, and the defendant is convicted, there shall be taxed as costs in addition to court fees in favor of such warden the same fees as a constable is entitled to in a case of misdemeanor, and if collected from the defendant, shall be paid over to such deputy warden and shall be his personal perquisite for which he need not account, but no such fee shall be allowed in case of acquittal nor shall the county or State be liable for such fee in any event. The necessary and ordinary fees and expenses of every posse lawfully summoned and engaged in the enforcement of this Act shall be taxed as a part of the costs, and if not collected from some person liable therefor, shall be paid out of the game protection fund.

Arrest; Conviction; Fine—Jail Confinement.

Sec. 33. Whenever, upon conviction, the person convicted fails to pay the fine and costs imposed upon him, he shall be committed to the county jail and shall there be kept confined one day for each dollar fine and costs adjudged against him, and he shall not be discharged or released therefrom by any board of officers, except upon the payment of the portion of the fine and costs remaining unserved, or upon the order of the Governor of this State.

Corporations; Warrant Arrest—How Executed—Fine—Execution.

Sec. 34. In case of violation of this act by a corporation, the warrant of arrest may be read to the president, secretary, or manager in this State, or to any general or local agent thereof in the county where the action is pending, and upon the return of such warrant so served the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such cor-

poration, but this section shall not be deemed to exempt any agent or employee from prosecution.

License, Permit—When Revoked.

Sec. 35. If the holder of any license, certificate or permit shall persistently or flagrantly or knowingly violate or countenance the violation of any of the provisions of the game laws, such license, certificate or permit shall be revoked by the Game Warden after due notice given of the alleged violation and an opportunity afforded to appear and show cause against the same.

Game—Fish; Transportation—Packages Plainly Labeled—Permit Attached.

Sec. 36. Whenever any game or fish is presented for transportation or transported in a box [box], barrel, package or other covering so that said game or fish is not plainly visible, the consignor shall put on the outside of such covering a plain mark or label indicating the true contents and the proper invoice, certificate or permit shall be attached to the outside of the covering.

Game—Fish—When in Possession Passenger—Common Carrier.

Sec. 37. Nothing herein shall make a common carrier liable for transportation of game and fish when same is in the possession of a passenger, but such fact shall not exempt the same from seizure if unlawfully taken, killed, held in possession or transported.

Game—Fish; Storage Permit.

Sec. 38. Any person having the lawful possession of game or fish killed within this State may, upon proof of such fact, have issued to him by the State Warden a storage permit, which shall authorize storage, possession and use of the same not longer than ninety days next ensuing the open season therefor.

Game—Fish; Justice of Peace—Duties.

Sec. 39. It shall be the duty of every justice of the peace and clerk of the court before whom any prosecutions under this Act are commenced or shall go on appeal, and within twenty days after the trial or dismissal thereof, to report in writing the results thereof, and the amount of fine collected, if any, and the disposition thereof, to the State Warden at Santa Fe.

Game—Fish; Prosecutions—Accomplices May Testify; Evidence.

Sec. 40. In any prosecution under this Act, any participant in a violation thereof, when so requested by the district attorney, State Warden or other officer instituting the prosecution, may

testify as a witness against any other person charged with violating the same, and his evidence so given shall not be used against him in any prosecution for such violation.

Game Warden—Deputies—Appointment—Powers, Duties; Salaries—Expenses.

Sec. 41. The State Warden shall have the power to appoint one chief deputy who shall also act as clerk and bookkeeper and such additional deputies as he may deem necessary. Said deputies shall have like power and authority as the State Warden and shall be subject to the supervision and control of the Game Warden and subject to removal by him. The chief deputy warden shall receive a salary of \$900.00 per annum, and shall be required to furnish bond in the sum of \$1500.00 for the faithful performance of his duty. Such deputies as may be designated as licensed collectors or who shall receive per diem salaries shall be required to furnish bond in the sum of \$500.00 for the faithful performance of their duties. Such deputies as may be designated by the State Warden shall receive a per diem of two dollars for each day while under the direct order of the State Warden, to perform services in the enforcement of the game and fish laws, their actual necessary expenses incurred while working under the direction of the State Warden, which per diem and expenses shall be paid monthly upon vouchers verified under oath and approved by the State Warden out of the Game protection fund.

Game—Fish; Permit to Take for Scientific Purposes—Nontransferable.

Sec. 42. The State Warden may issue permits to any person who has a hunting license as provided in this Act, to take, capture, kill, transport within or out of the State any game, birds or fish mentioned in this Act at any time when satisfied that such person desires the same exclusively as specimens or for scientific or propagating purposes. Such permit shall be in writing and shall state the kind and number to be taken and the manner of taking, the name of the person to whom issued, the name of the place to which the same is to be transported and the name of the persons shipping such game, birds or fish, and shall be signed by him. Such permit shall not be transferable nor shall it be lawful to sell or barter any of the animals, birds or fish taken or exported under such permit for food purposes, and the holder of such permit shall be liable to the penalties provided in this Act if he violates any of its provisions.

Game—Fish; Warden May Transmit Specimens to Other States.

Sec. 43. The State Warden may, upon application from the Game and Fish Warden or corresponding officer of any other state procure and transmit to such officer alive specimens of the game animals, birds and fish of this State to be used for scientific or propagating purposes.

Game; Young of—Abandoned; Permit to Keep.

Sec. 44. The State Warden may authorize the retention by any resident of this State of any young game animal which has been abandoned by its mother and taken in good faith for the purpose of saving its life, but not more than four such animals shall be retained by one person at the same time except as provided in Division A of this Act. He may also at any time and in any manner take any game running at large within the State, for the purpose of propagation in any other parts of the State.

Game—Fish; Game Warden; Civil Action for Injury, Unlawful Possession.

Sec. 45. The State Warden, if he so elect, or any other officer charged with the enforcement of the laws relating to game and fish if so directed by the State Warden, may bring a civil action in the name of the State against any person unlawfully wounding or killing or unlawfully in possession of any game quadruped, bird or fish, or part thereof, and recover judgment for each such animal or part thereof, the following minimum sums as damage for the taking, killing or injuring thereof, to-wit:

For each elk	\$200.00
For each deer	50.00
For each antelope	100.00
For each mountain sheep	200.00
For each mountain goat	200.00
For each beaver	50.00
For each bird	10.00
For each fish	1.00

No verdict or judgment recovered by the State in such action shall be for less than the sum hereinbefore fixed. Such action for damages may be joined with an action for possession, and recovery had for the possession, and also the damages therefor, aforesaid. Neither the pendency nor determination of such action nor the payment of such judgment nor the pendency nor determination of a criminal prosecution for the same taking, wounding, killing, or possession shall be a bar to the other, nor

[a] effect the right of seizure under any other provision of the laws relating to game and fish.

Game Warden; Seal of Office—Shall Keep.

Sec. 46. The State Warden shall keep a seal of office which shall be used to authenticate all papers and documents issued and executed by him as such officer.

License, Permits—Fees Charged For; Warden Keep Record.

Sec. 47. The State Warden shall keep a record of all moneys received and of licenses, certificates, permits and tags issued by him numbering each class separately, and upon satisfactory proof that any license, certificate or permit has been lost before the expiration thereof, he may issue a duplicate therefor, for which he shall collect a fee of one dollar. The State Warden and license collectors shall charge and collect the following fees:

For each guide license.....	\$ 5.00
For each big game license, resident.....	1.00
For each bird license, resident.....	1.00
For each general big game and bird hunting license, resi- dent	1.50
For each big game and bird license, non-resident.....	10.00
For each big game and bird license, resident-alien.....	10.00
For each big game and bird license, non-resident alien...	10.00
For each storage permit	1.00
For each transportation permit.....	1.00
For each permit, to transport out of the state, deer each..	2.00
For each permit to ship out of the state, each lot of fish...	1.00
For each permit to retain game animals in captivity.....	1.00
For each duplicate license, certificate or permit.....	1.00

All non-residents over twelve years of age will be required to pay a fishing license of one dollar; provided, that all non-residents not aliens, who are the payers of taxes in this State to the amount of not less than one hundred dollars annually, shall be entitled to receive a resident big game and bird license upon payment of fees required of residents.

Game Warden—Prescribe Print Forms; License—Application For; Collector—Fees of.

Sec. 48. It shall be the duty of the State Warden, and he shall have the authority to prescribe and procure the printing of all forms and blanks that may be required to carry out the intent of this Act and not inconsistent herewith, and all necessary blanks shall be furnished by him to the several license collectors, and no

license shall be issued except on an application signed by or on behalf of the applicants, and any false statement in any application shall render the license issued thereon void. Each license collector shall keep a correct and complete record of such license issued by him, which record shall remain in his office and be open to the inspection of the public at all times, and he shall retain out of the moneys received from such license the sum of twenty-five cents for each license, which shall cover issuing of said license, and shall pay the balance to the State Treasurer on or before the tenth day of the month following, and report to the State Warden the number of licenses issued and the amount of money remitted to the State Treasurer.

"Game Protection Fund"—What Constitutes, Application of.

Sec. 49. All moneys sent to the State Treasurer in payment of hunting licenses, other licenses, permits, certificates, fines, penalties or forfeitures shall be set aside by him and shall constitute a fund to be known as the "Game Protection Fund" for the payment of printing, publication of reports, postage, express and other incidental and office expenses of the State Game and Fish Warden, for the payment of the salary of the Warden, the chief deputy warden and the per diem salaries and necessary expenses of deputies, for the purchase, transportation and distribution of game and fish for propagating purposes. All deputies appointed by said Warden shall be limited to the amount in the game protection fund and in no event shall the state pay any such salaries or be liable in any manner therefor, except to the extent of such game protection fund. And the State Warden shall not issue any voucher, nor shall the State Auditor approve any such voucher issued by the State Warden, under the provisions of this Act or otherwise for any services or expenses of any kind, unless the money to pay such voucher shall at the time be on hand to pay the same.

Justice of Peace—Duties—Pay Over Fines.

Sec. 50. All moneys collected for fines under this Act shall be immediately paid over by the justice of the peace or clerk collecting or receiving the same, as follows: One-half to the State Treasurer to be by him credited to the game protection fund, and one-half to the persons or deputy instituting the prosecution, except in cases where such prosecution is instituted by a salaried officer, in which case such fines shall all be paid over to the State Treasurer to be by him credited to the game protection

fund. The State Treasurer shall render monthly statements to the State Warden showing all moneys received and paid out under the provisions of this Act.

Birds; Sparrow, Road-runner, Owls, Hawks—Not Protected—

Sec. 51. The English or European house sparrow, road-runner, great horned owl and all species of hawks are not included among the birds protected in this Act.

Prosecutions—Limitation of.

Sec. 52. Prosecutions under this Act may be commenced within one year from the date of violation of any of the provisions of this Act, either by indictment, complaint or information.

Birds; Residents Keeping as Pets—Not Prohibited—Proviso.

Sec. 53. Nothing in this Act shall prevent a citizen of New Mexico from taking or keeping any wild bird in any cage as a domestic pet, provided that such birds shall not be sold or exchanged or offered for sale or exchange, or transported out of this State without a permit from the Game and Fish Warden.

Violation of Any Provisions of Act—Misdemeanor.

Sec. 54. Any person violating any of the provisions of this Act shall be punished by a fine of not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00) or by imprisonment not less than thirty days nor more than ninety days, or both, at the discretion of the court.

Birds; Killing of Prohibited—Proviso.

Sec. 55. That it shall be unlawful for any person or persons in this State to wantonly shoot, ensnare, or trap for the purpose of killing or in any other manner to destroy any song bird, or birds whose principal food consists of insects; comprising all the species and varieties of birds represented by the several families of blue birds, including the western and mountain blue birds; also woodpeckers, night hawks, humming birds, Phoebe birds, fly catchers, pewees, pinon jays and other varieties of the jay family; meadow larks, orioles, Mexican ojotlotles, Arizona gold finches, swallows, yellow throats, thrashers, wrens, mocking birds, Rocky Mountain creepers, nut hatches, robins, chickadees, gnat-catchers, thrushes, Oregon or "Denny pheasant," and all other species and varieties of birds, regarded as harmless in their habits, except such as are destructive to orchards, gardens or fields, or crops of fruit, berries or grain. Provided, that nothing in this Act

shall be construed to prohibit the killing of any such birds for scientific purposes.

Violation of Sec. 55, Supra—Misdemeanor.

Sec. 56. Any person or persons violating the provisions of the foregoing section shall be punished before any court before whom complaint may be made, by a fine of not to exceed fifty dollars and not less than ten dollars, or by imprisonment in the county jail not to exceed thirty days and not less than ten days. Each bird killed, injured or in any way disposed of, shall constitute a separate offense under the provisions of this Act.

Game—Fish—Officers Enforce Act; Powers—Duties; Seizure—Searches.

Sec. 57. The Warden and every deputy warden throughout the State, and every sheriff and constable in his respective county, is authorized and required to enforce this Act and seize any game or fish taken or held in violation of this Act, and he shall have full power and authority, and it shall be the duty of every such officer, with or without warrant, to arrest any person whom he has reason to believe guilty of a violation thereof; and with or without a warrant to open, enter and examine all camps, wagons, cars, stages, tents, packs, warehouses, stores, out houses, stables, barns and other places, boxes, barrels and packages where he has reason to believe any game or fish taken or held in violation of this Act is to be found, and to seize the same; provided, that a dwelling house actually occupied can be entered for examination only in pursuance to a warrant.

Indians; Violation of Law; Sheriff Assist Warden—Posse.

Sec. 58. In case Indians or other persons shall engage in the hunting or killing of game or fish in violation of this Act, in such number as to be beyond the reasonable power of the Warden or any deputy warden to control, or in case of forcible resistance to the enforcement thereof, it shall be the duty of the sheriff of the county in which such violation exists, upon demand of the Warden or any deputy warden, to aid him in the enforcement of this Act, and to call to his assistance at once a sufficient number of persons to enforce the same promptly and effectually, or, if by him deemed necessary, said Warden or deputy warden may call such assistance without the intervention of the sheriff. The failure, without good cause, of any person called to assist in such enforcement to respond and render such assistance shall be deemed a violation of this Act.

DIVISION A.**PUBLIC AND PRIVATE PARKS, LAKES AND PRESERVES—
SALE OF GAME AND FISH THEREFROM.****Game—Fish; Propagating in Private Lake or Park—Sale—License.**

Sec. 59. No person shall have or maintain any park, enclosure, lake or body of water for the purpose of keeping or propagating therein any game or game fish for sale, nor shall any living game or game fish from such park, enclosure, lake or body of water be sold or offered for sale, unless the owner, proprietor or lessee thereof shall first procure a license as hereinafter provided.

Game—Fish; Public Nuisance—Maintaining Private Park or Lake by Person Without Permit.

Sec. 60. Any park, enclosure, lake or body of water maintained in violation of this Act shall be deemed a continuing public nuisance and may be abated as provided by law for the abatement of public nuisances and the game or game fish therein liberated, or any obstruction to the free ingress or egress of fish removed, and each day the same is maintained in violation hereof, shall be a separate offense.

Game—Fish; in Private Park or Lake—Transportation, Sale.

Sec. 61. No persons shall transport or sell, keep or expose or offer for transportation or sale any game or game fish, taken from any park, enclosure, lake or body of water, public or private, unless the same be licensed as provided in this Act, and then only as provided in this division, and this section shall apply to game and fish held by private ownership as well as to game and fish the ownership of which may be acquired under this Act.

Game—Fish; In Private Parks or Lakes Used for Irrigation—Act Applies.

Sec. 62. The provisions of this division in relation to private parks and lakes, the licensing thereof for the keeping and propagation of game and game fish therein, and permitting the same thereof, shall apply to every park or lake or such part thereof, as is on land held by private ownership, and to every lake, the water of which, or the right to use of such water, in whole or in part, has been or may hereafter be acquired under the laws of this State or of the United States, for irrigation purposes, and the owner of such land or water right shall be deemed the proprietor of such park or lake, and of the game or fish therein to the extent of his ownership of such land or water right.

Game—Fish; Parks, Lakes—Propagation; License; Application to Warden.

Sec. 63. Any person having already established or desiring to establish or maintain a park or lake for the purpose of keeping or propagating and selling the game or game fish therein or to be placed therein, shall apply in writing to the Warden stating the name, location, extent and proprietorship of the same, the kind and as near as may be, the number of game or game fish kept or desired to be kept therein, the term for which the license is desired, and enclosing the fee therefor, and if upon examination by the Warden it shall appear that the application is in good faith, and in other respects proper and reasonable, he shall grant to such applicant a license therefor.

License; (Sec. 63) Form of.

Sec. 64. Such license shall be substantially in the following form:

STATE OF NEW MEXICO
DEPARTMENT OF GAME AND FISH.
LICENSED PARKS AND LAKES.

No..... Class A. Santa Fe.....19...

This certifies that.....
 proprietor of a (public or private) (park or lake) called.....
 and situated on.....
 Sec..... Twp..... Range..... in.....
 County, New Mexico, is hereby authorized to keep and propagate therein and dispose of as provided by law, the following (game quadrupeds, birds or fish), viz:.....
 together with such additions thereto (with the natural increase of all) as may be hereafter lawfully acquired. This license expires.....years after date.

.....Warden.

Game—Fish; Reservoirs Connecting with Fish Streams—Owners—Duty.

Sec. 65. No person owning or controlling any reservoir, lake or body of water into which public waters flow and which furnishes the water supply in whole or in part to any stream containing game fish shall divert or lessen such water in flow or supply to an extent detrimental to the fish in such stream, reservoir, lake or body of water.

Game—Fish; Parks, Lakes—Licensed; Owner Exclusive Right.

Sec. 66. Except as in this division otherwise provided all

game and game fish, with the natural increase thereof, held or confined in any park or lake of Class A, licensed under the preceding sections, shall, during the existence of the license or any renewal thereof, be deemed the property of the licensee of the same to the extent that he may lawfully retain, pursue, capture, kill, use, sell or dispose of the same in any quantity, by conforming to the conditions and subject to the restriction prescribed in relation thereto, but not otherwise, and the pursuit, capture, wounding or killing of any game or fish in any licensed park or lake, without the consent of the proprietor, shall be unlawful.

Game—Fish; Parks, Lakes; Sale of—Owner—Duty; Invoice—Form—Warden.

Sec. 67. When the proprietor of any licensed park or lake of Class A shall sell or dispose of any game or game fish as herein provided, he shall, at the same time deliver to the purchaser or donee or attach thereto an invoice signed by such proprietor or his agent, stating the number of the license and name of such park, or lake, the date of disposition, the kind, and as near as practicable the number and weight of such game or fish, the name and address of the purchaser, consignee, or donee. Such invoice shall authorize transportation within this State, possession and use for thirty days after its date, and shall be substantially in the following form:

STATE OF NEW MEXICO,

DEPARTMENT OF GAME AND FISH.

PRIVATE PARKS AND LAKES—INVOICE.

Name of Park or Lake..... Class A
 No. of License..... Date.....19...
 Kind and number of Game and Fish.....
 Weight of same.....lbs. Name of Consignee.....
 Address of consignee.....
 This authorizes transportation within this State, possession and sale for thirty days after date if attached to article.

.....Proprietor.

By.....Agent.

Such proprietor or his agent shall at the same time mail, postpaid, a duplicate of such invoice to the Warden at Santa Fe.

Game—Fish; Parks, Lakes; Shipment of—Attach Invoice.

Sec. 68. When any such game or fish for which an invoice is required, is to be shipped by rail, express or other carrier,

public or private, the invoice shall be securely attached thereto or to the package containing the same in plain sight, and the same may then be lawfully carried and delivered within this State to the consignee named in such invoice.

Game, Fish; Parks, Lakes; Sale by Consignee—Hotels—Invoice Attached.

Sec. 69. If such game or game fish is held; exposed or offered for sale or sold by the consignee or kept in any storage, hotel, restaurant, cafe or boarding house, such invoice shall be kept attached thereto as aforesaid until the same shall have been prepared for consumption.

Game—Fish; Parks, Lakes; Sale of—Deliver Purchaser Copy Invoice—Attach.

Sec. 70. In case of a sale or disposition of such game or game fish or any part thereof the vendor shall at the same time make a copy of such invoice and endorse thereon the date of sale, the number and kind of game or fish so disposed of and the name of the purchaser, and sign and deliver the same to the purchaser or donee, who shall keep it attached as aforesaid until the game or fish is prepared for consumption, and the same shall have the same force and effect as the original invoice.

Game—Fish; Parks, Lakes; Willful Error Renders Invoice Void; Possession Unlawful.

Sec. 71. Any willful misstatement in or any omission of a substantial requirement from any invoice or copy thereof, shall render the same void and be deemed a violation of this Act, and the possession of any game or game fish without such invoice or a copy thereof attached thereto when so as above required shall be unlawful.

Game—Fish; Parks, Lakes; Proprietor Report to Warden.

Sec. 72. The proprietor of every private park and lake licensed under the preceding section shall, whenever required by the Warden, make and send to the Warden at Santa Fe a report showing as near as practicable the kind, number, age and sex of the game, and the kind and number or weight of the game fish, added and disposed of during the year preceding and on hand at the date of the report.

Game—Fish; Parks, Lakes; Rights Extend to Connecting Channels.

Sec. 73. The rights acquired by the proprietor of a private lake licensed hereunder, and the prohibitions hereof, shall

extend to and include all channels connecting a series or group of lakes under one license, and the Warden may authorize the use of such screens or other appliances as may be necessary to prevent the fish in a licensed lake of Class A from escaping, and it shall be the duty of the proprietor to adopt and use such screens or other appliances as the Warden may direct to prevent the fish in public waters from entering such lake.

Game—Fish; Parks, Lakes; Grantee, Lessee—Deemed Proprietor.

Sec. 74. When the owner of a private park or lake has granted or leased to another the right to keep and propagate game or fish therein, the grantee or lessee shall be deemed the proprietor and entitled to the license.

Game—Fish; Lakes—Series of Under One Ownership—One License.

Sec. 75. A series or group of lakes under one proprietorship or lease and situated in a reasonable proximity to each other may be included in one license, either as a private lake or licensed preserve.

Game—Fish; Parks, Lakes; License—Diverse Proprietorship.

Sec. 76. In case of diverse proprietorship the license may be joint if the proprietors so elect, otherwise a separate license shall be required for each interest and the rights thereunder shall be co-extensive with or in proportion to such interest.

Game—Fish; Parks, Lakes; Post Notices.

Sec. 77. There shall be kept posted conspicuously and not more than eighty rods apart on the borders of each licensed park, lake, or preserve, plain notices not less than one foot square, stating that the same is private property, and warning persons against trespassing thereon.

Game—Fish; Parks, Lakes; Transfer of Ownership—License.

Sec. 78. In case of a transfer of proprietorship or interest in any park, lake or preserve, the transferee, shall, within thirty days thereafter, procure from the Warden a transfer of the license endorsed on the back thereof.

Game—Fish; Parks, Lakes; License—Term of—Fees for.

Sec. 79. Licenses for private parks, lakes and preserves may be for two years or ten years, as the applicant may desire, and any license shall be renewed from time to time at request of licensee for a like period as the original, or a two-year li-

cense may be surrendered at any time, and one for ten years obtained on payment of the full amount of the fee for the latter. Each renewal shall bear the same number as the original, and be of a similar form with the word "renewal" written on its face. A renewal must be applied for and the fee paid at or before the expiration of the original license or of the previous renewal, otherwise the same fee shall be paid as for an original license.

That the warden shall charge and collect the following fees, for permits under division A:

For each permit to capture or exchange.....	\$ 1.00
For each quadruped park, two-year license.....	15.00
For each renewal of same.....	10.00
For each park, ten-years license.....	50.00
For each renewal of same.....	25.00
For one lake, two-years license.....	10.00
For each renewal of same.....	8.00
For each additional lake, two-years license.....	5.00
For each renewal of same.....	3.00
For one lake, ten years license.....	25.00
For each renewal of same.....	15.00
For each additional lake, ten-years license.....	10.00
For each renewal of same.....	5.00
For each certificate, permit or license not herein provided for.....	1.00

Fish; Corporations—Using Streams to Float Logs—Stock Streams.

Sec. 80. All persons or corporations floating logs, timber, lumber, ties or poles, in any stream of this state, containing game fish, shall, for each mile of such stream or streams as used, annually deposit therein one thousand trout fry or fingerlings at times and at places to be designated by the Game and Fish Warden. Any person or corporation failing to comply with the provisions of this section shall be liable upon conviction to the payment of a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

DUTIES OF DISTRICT ATTORNEYS.

Fish—Game; District Attorneys—Duties.

Sec. 81. It shall be the duty of each of the district attorneys in this State to prosecute and defend for the State in all courts of the county or counties in their respective districts, all causes,

criminal and civil, arising under the provisions of this Act, in which the State may be a party or interested or concerned.

Violation Provision of Division A—Misdemeanor.

Sec. 82. Any violation of the provisions of division A of this Act, shall be punishable by a fine of not less than twenty-five nor more than two hundred dollars.

Violation of Any Provisions of Act (Proviso)—Misdemeanor.

Sec. 83. Any violations of the provisions of any section of this Act, unless otherwise provided for, shall be punishable by a fine of not less than twenty nor more than two hundred dollars.

Repeal Clause.

Sec. 84. All laws and parts of laws in conflict with this Act are hereby repealed.

Emergency; Act Effective Upon Passage and Approval.

Sec. 85. This Act being deemed necessary for the preservation of the public peace, health and safety, the same shall take effect immediately upon its passage and approval.

JOINT RESOLUTIONS.

JOINT RESOLUTION NO. 1.

[RELATIVE TO ELECTION OF UNITED STATES SENATORS.] *S. J. R. No. 14; Filed March 28, 1912.*

Be It Resolved by the Legislature of the State of New Mexico:

That the President of the Senate and the Speaker of the House of Representatives, be, and they are hereby directed to certify immediately to His Excellency William C. McDonald, the Governor of the State of New Mexico, that on the 27th day of March, A. D. 1912, Thomas Benton Catron, and Albert Bacon Fall were duly elected by the said Legislature, in joint session thereof, United States Senators from the State of New Mexico, as provided by a certificate of said election hereto attached.

CERTIFICATE OF ELECTION OF UNITED STATES
SENATORS, TO THE GOVERNOR OF THE STATE OF
NEW MEXICO.

To His Excellency, William C. McDonald,
Governor of New Mexico.

We, the undersigned, President of the Senate and Speaker of the House of Representatives of the First Legislature of the State of New Mexico, DO HEREBY CERTIFY, that on the 27th day of March, A. D. 1912, in a joint session of the two Houses of the Legislature of the State of New Mexico, duly assembled, Thomas Benton Catron, and Albert Bacon Fall received a majority of the votes of all the members of both Houses of the said Legislature, being present and voting in person, and were duly elected United States Senators from the State of New Mexico; that thereafter the results of the said election were duly declared in said joint session by the presiding officer thereof and

thereafter by the presiding officer of each of said Houses in separate session thereof.

E. C. DEBACA,
President of the Senate.

ATTEST:

JOHN JOERNS,
Chief Clerk of the Senate.

ROMAN L. BACA,
Speaker of the House of Representatives.

ATTEST:

FRANK STAPLIN,
Chief Clerk of the House of Representatives.

JOINT RESOLUTION NO. 2.

AUTHORIZING THE GOVERNOR TO EXTEND INVITATION, ETC. *H. J. R.*
No. 11; Approved April 6, 1912.

Be It Resolved by the Legislature of the State of New Mexico:

That the Governor of the State of New Mexico, be and he is hereby authorized and requested to invite Hon. C. D. Collier, President of the Panama-California Exposition to be held in San Diego in 1915, to address an informal joint session of the legislature which is hereby called for Tuesday, March 26, 1912, to meet in the room of the House of Representatives at 11 o'clock a. m. of said day; and be it

Further resolved that the Honorable Governor of New Mexico be respectfully requested to preside at said informal joint session.

JOINT RESOLUTION NO. 3.

[RELATIVE TO ADJOURNMENT.] *S. J. R. No. 17; Filed April 9, 1912.*

Be It Resolved by the Legislature of the State of New Mexico:

That when the Senaté and the House of Representatives respectively adjourn on Friday, the 29th day of March, 1912, they shall adjourn until Thursday, April 4, 1912, at 3 o'clock P. M.

JOINT RESOLUTION NO. 4.

PROVIDING THAT THE MEMBERS OF THE LEGISLATURE OF THE STATE OF NEW MEXICO BE PROVIDED WITH COPIES OF THE COMPILED LAWS OF 1897, INsofar AS SAME CAN BE SUPPLIED. *J. R. No. 2; Approved April 9, 1912.*

Be It Resolved by the Senate and House of Representatives:

That the State Librarian be and is hereby directed to furnish to each member of the Legislature of the State a copy of the Compiled Laws of 1897, insofar as same can be supplied, and that credit be taken for same by said Librarian.

JOINT RESOLUTION NO. 5.

[RELATIVE TO APPOINTMENT OF PANAMA-CALIFORNIA EXPOSITION COMMISSION.] *S. Sub. J. R. No. 18; Approved May 15, 1912.*

Be It Resolved by the Legislature of the State of New Mexico:

That the Governor of the State of New Mexico be, and he is hereby, authorized and requested to appoint a Commission to be known as the Panama Expositions Commission, which shall consist of five citizens of the State of New Mexico, who shall serve without compensation, and not more than three of whom shall be chosen from the same political party.

That the said Commission be, and it is hereby, authorized and empowered, at its own expense, to visit the Cities of San Diego and San Francisco, in the State of California, where the said expositions are to be held, and, subject to approval by the Legislature of New Mexico, to select suitable sites for buildings in which to make New Mexico exhibits at said expositions, in case it shall hereafter be determined to make same; and thereafter to prepare plans for New Mexico exhibits at said expositions which shall be submitted, with the recommendations of said Commission at the next session of the Legislature of New Mexico.

JOINT RESOLUTION NO. 6.

PROVIDING FOR AMENDMENT OF SECTION FIVE (5) ARTICLE TWENTY-

ONE (XXI) OF THE CONSTITUTION OF THE STATE OF NEW MEXICO. *H. Sub. S. J. R. No. 5; Filed May 29, 1912.*

Be It Resolved by the Legislature of the State of New Mexico:

That Section Five (5) of Article Twenty-one (21) of the Constitution of the State of New Mexico, to-wit:

“This state shall never enact any law restricting or abridging the right of suffrage on account of race, color or previous condition of servitude; and in compliance with the requirements of the said act of Congress, it is hereby provided that ability to read, write, speak and understand the English Language sufficiently well to conduct the duties of the office without the aid of an interpreter, shall be a necessary qualification for all state officers and members of the state legislature.”

be, and the same hereby is amended so that the same shall read as follows, to-wit:

ARTICLE XXI.

Sec. 5. This state shall never enact any law restricting or abridging the right of suffrage on account of race, color or previous condition of servitude.

JOINT RESOLUTION NO. 7.

MEMORIALIZING CONGRESS TO APPROPRIATE \$6,000,000 FOR DYKES AND LEVEES ON THE RIO GRANDE. *H. J. R. No. 30; Filed June 7, 1912.*

WHEREAS, The present flood in the Rio Grande, which has destroyed bridges, inundated cultivated fields, and caused great property loss, recalls the fact that such floods have been of almost annual occurrence in the past, and

WHEREAS, the Government of the United States has never appropriated any moneys for the construction of dykes and levees upon the banks of said river: Therefore,

Be It Resolved by the Legislature of the State of New Mexico:

That the Congress of the United States is hereby memorialized to appropriate and set aside the sum of six million dollars to be expended as by law provided in the construction of dykes and

levees upon the Rio Grande with a view to restraining its waters to its natural channel; and

BE IT FURTHER RESOLVED, that the Secretary of State of New Mexico be, and he hereby is, directed to transmit authenticated copies of this memorial to the Vice-President of the United States, and to the Speaker of the House of Representatives.

JOINT RESOLUTION NO. 8.

TO AUTHORIZE THE PRINTING OF ONE HUNDRED COPIES OF THE
“LEGISLATIVE DIRECTORY OF THE FIRST LEGISLATURE OF THE
STATE OF NEW MEXICO” IN THE SPANISH LANGUAGE AND AP-
PROPRIATING MONEY THEREFOR. *H. J. R. No. 22; Approved
June 8, 1912.*

Be It Resolved by the Legislature of the State of New Mexico:

Section 1. That the Chairman of the Printing Committee of the House and the Chairman of the Printing Committee of the Senate are hereby authorized and instructed to order and secure the printing of one hundred copies of the “Legislative Directory of the First Legislature of the State of New Mexico” in the Spanish language.

Sec. 2. That for the purpose of covering the expense of said publication One Hundred Fifteen Dollars (\$115.00) is hereby appropriated out of any funds in the State Treasury, except interest upon the public debt, and the Auditor is hereby authorized and instructed to draw his warrant upon the State Treasurer for said amount in favor of the person, firm or corporation from whom such work and printing is ordered upon presentation of an order or requisition in their favor, duly signed by the Chairman of said Printing Committees.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage.

JOINT RESOLUTION NO. 9.

[RELATIVE TO DISFRANCHISEMENT OF VOTERS IN ARIZONA UNABLE TO SPEAK AND WRITE ENGLISH.] *S. R. No. 6; Filed June 12, 1912.*

WHEREAS, the Democratic Senate of the State of Arizona has passed a measure disfranchising all voters who are unable to read, write and speak the English language, and

WHEREAS, if such a measure be enacted into law it will deprive of the ballot thousands of free born Spanish-American citizens of our sister state:

THEREFORE, be it resolved by the Senate of the First Legislature of the State of New Mexico, that we denounce the action of the Democratic Senate of Arizona as infamous, as a contravention of the sacred rights guaranteed by treaty to the native people of Arizona; as an outrage upon the loyal public spirited and intelligent Spanish-American population of the State, and as a repudiation of that most sacred principle incorporated in the Arizona Constitution declaring for the equality and brotherhood of mankind.

And be it further resolved, that we congratulate the people of New Mexico upon the fact that the Constitution of our State, prepared and adopted through the agency of the Republican Party, has made it forever impossible to perpetrate such an outrage upon a free and self-respecting people.

JOINT RESOLUTION NO. 10.

JOINT RESOLUTION TO APPROPRIATE MONEYS TO PAY EXPENSE OF HOUSE COMMITTEE APPOINTED TO INVESTIGATE CHARGES AGAINST J. P. LUCERO, MANUEL CORDOVA, JULIAN TRUJILLO AND LUIS R. MONTOYA, MEMBERS OF THE HOUSE OF REPRESENTATIVES. *Sub. H. B. No. 111; Approved with Exceptions, June 12, 1912.*

WHEREAS, By House Resolution No. 2 a committee of fifteen members of the House of Representatives was appointed to investigate certain charges against J. P. Lucero, Manuel Cordova,

Julian Trujillo and Luis R. Montoya, Members of the House of Representatives, and,

WHEREAS, said committee was by said resolution authorized to employ necessary interpreters and stenographers to the end that a complete record of the committee might be had, and

WHEREAS, said committee was authorized by Resolution No. 4 to employ counsel for said committee, and counsel were also employed by the accused members for their defense in said investigation, and

WHEREAS, the House of Representatives found upon the proof presented that the said accused members were innocent of the charges preferred against them, and

WHEREAS, the expenses incurred in said investigation were \$70.00 for an interpreter; \$285.42 for stenographers; \$187.00 as fees for the sergeant-at-arms of the House; \$500.00 for Counsel fees for said committee; \$1,000.00 for counsel fees for the accused members, and \$286.00 for printing record in Spanish and English,

NOW, THEREFORE, be it resolved by the House of Representatives, the Senate of the State of New Mexico concurring, that the sum of \$2,328.42 be, and the same hereby is, appropriated out of the public funds of the state not otherwise appropriated, to pay said sum to the following persons for services as stated in the preceding paragraph, and in the amounts stated:

Cesario Pedragon	\$ 70.00
Lotta Hanna	172.88
Claude Hutto	112.54
*Casimiro Lucero	187.00
E. R. Wright	500.00
G. W. Prichard	500.00
*B. M. Read	500.00
New Mexican Printing Co.....	286.00

and the Auditor of the State is directed to issue his vouchers to the respective parties entitled thereto under this joint resolution, and the Sate Treasurer is authorized to pay said vouchers when presented to him.

BE IT FURTHER RESOLVED, that it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico that the provisions of this joint resolution shall become effective at the earliest possible time, therefore an emergency is hereby declared to exist, and this joint resolu-

tion shall become effective and be in full force and effect from and after its passage and approval.

JOINT RESOLUTION NO. 11.

PROVIDING COMPENSATION FOR THE ADDITIONAL SERVICES PERFORMED
BY THE EMPLOYEES OF THE CAPITOL. *H. J. R. No. 25; Approved
June 14, 1912.*

WHEREAS, the persons regularly employed by the Capitol Custodian Board, have a great deal of additional work to do during the session of the Legislature and no additional pay is given them,

NOW, THEREFORE, BE IT RESOLVED, by the Senate and House of Representatives of the State of New Mexico, that the sum of Eight Hundred Ten Dollars (\$810) hereby is appropriated to be paid to the Capitol Custodian Board for the purpose of additional pay of Jose Amado Martinez, Manuel Ortiz y Martinez, Pedro Martinez, Hilario Alarid, Antonio Lobato, Nemecio Baca, Manuel Alarid, Octaviano Rodriguez and Carlos M. Conklin, during the session of the Legislature as extra pay for additional services as employees of the Capitol Custodian Committee, at the rate of one dollar per day during the Legislative session.

JOINT MEMORIALS.

JOINT MEMORIAL NO. 1.

MEMORIALIZING THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA TO PASS RELIEF HOMESTEAD LAW, DESIGNATION IN PARTICULAR U. S. S. BILL NO. 3367, WHICH PASSED THE SENATE FEBRUARY 5, 1912, AND NOW BEFORE THE HOUSE OF REPRESENTATIVES. *S. J. M. No. 1; Approved April 9, 1912.*

WHEREAS, the homesteaders in New Mexico who occupy that portion of the state known as the dry farming sections, have found themselves at a great disadvantage in trying to make a living upon their homesteads for the first few years of settlement, unless they absent themselves from such homesteads for a considerable portion of the time that they may find employment elsewhere; and,

WHEREAS, U. S. Senate Bill No. 3367, entitled "An Act to amend section twenty-two hundred and ninety-one and section twenty-two hundred and ninety-seven of the revised statutes of the United States relating to homesteads," which passed the Senate of the United States on February 5, 1912, is now before the House of Representatives for the consideration of that body; and,

WHEREAS, the above mentioned act provides for final proof with three years residence, and permits absence from the homestead for six months out of the year; and,

WHEREAS, such law would result in great benefit to the homesteaders and the State of New Mexico by making the acquiring of homesteads here more practical and thus encouraging the immigration of homebuilders;

NOW, THEREFORE, The first Legislature of the State of New Mexico respectfully request the passage of the above mentioned act now pending in Congress;

NOW BE IT FURTHER RESOLVED, that the presiding

officers of each house of the Legislature of the State of New Mexico are hereby directed to forward to the President of the United States and the presiding officers and members of the Senate and House of Representatives of the Congress of the United States, copies of this Memorial.

JOINT MEMORIAL NO. 2.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA. *S. J. M. No. 2; Approved May 3, 1912.*

WHEREAS: Senate Bill No. 3, Sixty-second Congress (1st Session) entitled,

“A BILL

To cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in preparing teachers for these vocational courses in State colleges of agriculture and the mechanic arts; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State Colleges of agriculture and the mechanic arts; and to appropriate money and regulate its expenditure”

is now pending in the Senate, and

WHEREAS; the passage of the bill would be advantageous to the public schools and educational institutions of the State of New Mexico:

BE IT RESOLVED: That, the First State Legislature of New Mexico urges the passage of SENATE BILL, Number Three, by the Congress of the United States, and respectfully requests the New Mexico Delegation in Congress to use its active and earnest efforts to secure the passage of said bill at the present session of Congress.

BE IT FURTHER RESOLVED: That, the Chief Clerks of the Senate and the House of Representatives be and are hereby directed to forward copies of the foregoing Joint Memorial to the President of the Senate, to the Speaker of the House of Representatives, and to the members of the State's Delegation in Congress.

JOINT MEMORIAL NO. 3.

MEMORIALIZING THE SENATE AND HOUSE OF REPRESENTATIVES OF
THE UNITED STATES OF AMERICA TO ALLOT AND OPEN THE NAV-
AJO INDIAN AND OTHER RESERVATIONS TO SETTLERS. *H. J. M.*
No. 1; Approved May 23, 1912.

WHEREAS, that portion of the Navajo Indian Reservation, located in New Mexico, contains over 2,300,000 acres of land, which is an acreage of about twelve hundred acres for every Indian on such Reservation, which is far in excess of the needs and requirements of such Indians, and far in excess of what is permitted any white settler to secure or occupy, and

WHEREAS, large additions have recently been made to the Jicarilla Apache Indian Reservation, also in Northwestern New Mexico, which additions are not actually used by the said Indians except for the purpose of leasing to white settlers and residents in the immediate vicinity as pasture lands, and

WHEREAS, large forest reserves have been created within New Mexico, over seventy per cent of which contain no forests or merchantable timber whatever, but for the use and pasturage upon which the owners of sheep and cattle in the immediate vicinity are charged heavy rentals, which places them at a great disadvantage in competition with other stock raisers who enjoy the privilege of free range, and

WHEREAS, tracts of land have been withdrawn from entry for the purpose of power sites far in excess of the amount needed for such purpose, and

WHEREAS, other large areas have been withdrawn from settlement for the purpose of classification as to whether or not it is coal oil or mineral land, and such classification delayed from time to time by the Department thus preventing the occupation and settlement of the land under the Homestead and Desert Land Laws, except in a restricted and unsatisfactory manner, thus preventing the settlement of large areas of land, and

WHEREAS, all of these reservations and withdrawals have greatly retarded the development of New Mexico by preventing the residents and people of said State from securing the wood and pasturage which they have enjoyed for generations, preventing the settlement of the State and the building of homes to

a large extent, restrained the development of the State in its agricultural, horticultural and other industries, and

WHEREAS, large areas of land are withdrawn as part of reclamation projects which are not necessary to, but which it has been determined will not become a part of such projects, and the settlement and reclamation of such portions of such withdrawals thereby prevented,

NOW, THEREFORE, your memorialists respectfully request the passage of the act now pending in Congress prohibiting the further withdrawal of the lands of New Mexico for any purposes whatever, and

BE IT FURTHER RESOLVED, that we request the passage of an Act providing for the allotment of one hundred and sixty acres to each Indian on the Navajo and Jicarilla Apache Reservations, and the opening of the remainder of said lands to settlement, and

BE IT FURTHER RESOLVED, that we request the immediate restoration of all lands embraced within the several forest reservations of New Mexico which do not contain merchantable timber or are necessary to the administration of such reservations, and

BE IT FURTHER RESOLVED, that we request the immediate classification of lands now withdrawn for coal oil or other minerals pending classifications, and the opening to entry of such portions as are not found to contain coal oil or mineral, and

BE IT FURTHER RESOLVED, that the United States senators and members of the House of Representatives from New Mexico are hereby requested to use their influence to remove the said restrictions.

NOW BE IT FURTHER RESOLVED, that the presiding officers of each House of the legislature of the State of New Mexico are hereby directed to forward to the President of the United States and to the presiding officers and members of the Senate and House of Representatives, to the Governor and presiding officers of the Legislature of the State of Arizona, to the Governor and presiding officers of the Legislature of the State of Utah, both of which states contain parts of the Navajo Indian Reservation, copies of this Memorial.

JOINT MEMORIAL NO. 4.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED. *H. J. M. No. 5; Filed May 29, 1912.*

Your petitioners, the Senate and House of Representatives of the State of New Mexico, respectfully show that the interests of that portion of the United States west of the Mississippi River imperatively demand the creation by Congress of at least two additional Judicial Circuits, as will readily appear from a consideration of the facts hereinafter set forth, which present a comparative statement of the number of states and population in each of the Circuits as they now exist.

The First Judicial Circuit includes the four States of Rhode Island, Massachusetts, New Hampshire and Maine, with a population of 5,082,033.

The Second Judicial Circuit includes the States of Vermont, Connecticut and New York, with a population of 10,584,326.

The Third Judicial Circuit includes Pennsylvania, New Jersey, and Delaware, with a population of 10,404,600.

The Fourth Judicial Circuit includes Maryland, Virginia, West Virginia, North Carolina and South Carolina, with a population of 8,368,868.

The Fifth Judicial Circuit includes Georgia, Florida, Alabama, Mississippi, Louisiana and Texas, with a population of 12,848,397.

The Sixth Judicial Circuit includes Ohio, Michigan, Kentucky and Tennessee, with a population of 12,051,988.

The seventh Judicial Circuit includes Indiana, Illinois and Wisconsin, with a population of 10,673,327.

The Eighth Judicial Circuit includes Nebraska, Minnesota, Iowa, Missouri, Kansas, Arkansas, Oklahoma, Colorado, North Dakota, South Dakota, Utah, Wyoming and New Mexico, with a population of 16,515,272.

The Ninth Judicial Circuit includes California, Oregon, Nevada, Idaho, Montana, Washington and Arizona, with a population of 5,181,180.

It will be seen from a comparison of these figures that the Eight Circuit in which our State of New Mexico is situated, has

a population of more than three times as much as the First and Ninth Circuits, nearly twice as much as the Fourth Circuit, about fifty per cent more than the Second, Third and Seventh Circuits, and about thirty-three and one-third per cent more than the Fifth and Sixth Circuits; and in addition to this the enormous area of the Eighth Circuit should be considered, extending as it does from the northern boundary of Minnesota to the southern boundary of New Mexico, a distance of approximately fifteen hundred miles. It should also be borne in mind that the principal railroad lines through that Circuit run in east and west directions. As a consequence a large part of the people resident in that Circuit, and especially the people of our own State, are subjected to great losses of both time and money in the transaction of business in the Circuit Court of Appeals, and the increasing amount of litigation in the Federal Courts in that Circuit must necessarily tend greatly to obstruct and delay the determination of causes. It must also be remembered that the population of most of the States in that Circuit is increasing very rapidly, and the population of the whole Circuit will probably long before the taking of the next decennial census exceed twenty millions.

We therefore respectfully pray, that the thirteen States included in that Circuit be divided among three Judicial Circuits, and if such division be made, each of those Circuits, while much greater in area, would have approximately the same population as the First and Ninth Circuits, and we particularly ask that one of those Circuits may be composed of the States of Kansas, Oklahoma, Colorado and New Mexico, with a population, according to the census of 1910 of 4,474,524, but the actual population at the present time must greatly exceed that number.

JOINT MEMORIAL NO. 5.

REQUESTING CONGRESS TO AMEND SCHEDULE "K" OF THE TARIFF BILL BY INSERTING THEREIN A SPECIFIC DUTY ON WOOL ON THE SCOURED SHRINKAGE BASIS. *H. J. M. No. 6; Filed May 29, 1912.*

WHEREAS, the subject of the TARIFF and its bearing to

Schedule "K" relating to wool are now under consideration before Congress, and

WHEREAS, the wool industry is one of the most important in our state, as attested by statistics showing that over twenty millions of pounds of wool were produced in New Mexico during the year 1911, yielding a revenue of several millions of dollars from which only a moderate profit was received by the producers; and

WHEREAS, the revision now contemplated by Congress would prove most disadvantageous and detrimental to such industry in New Mexico, and deprive thousands of laborers of their only means of employment,

NOW THEREFORE, We Respectfully Pray in the name of the PEOPLE OF NEW MEXICO, that a specific duty be levied upon wool of the first and second classes equivalent to twenty cents, and upon wool of the third class equivalent to twelve cents, per scoured pound upon the actual shrinkage basis.

We further pray that an adequate specific duty on the manufactured product be levied as a protection against the cheaper labor paid for similar work in foreign countries; and

RESOLVED, That there be sent to the President of the United States and the presiding officers and Members of the Congress of the United States copies of this Memorial.

JOINT MEMORIAL NO. 6.

REQUESTING THE PASSAGE BY CONGRESS OF AN APPROPRIATE BILL
RESTRICTING THE MAKING OF EXECUTIVE ORDER RESERVATIONS
AND PROVIDING CERTAIN BENEFITS FOR THE NAVAJO INDIANS.
S. J. M. No. 3; Filed May 29, 1912.

TO THE CONGRESS OF THE UNITED STATES:

The Senate and House of Representatives of the State of New Mexico respectfully memorialize and petition your honorable body to pass a measure, which will be presented or introduced by the Senators and Representatives from this State in the National Congress, having for its object the retirement from the President of the power now possessed by him of withdrawing from entry, sale and other disposition and setting aside for the uses of Indians, particularly in New Mexico, public lands.

We speak without disrespect of the Executive or any incumbent of the Chief Magistracy, but in recognition of his necessary inability to know fundamentally the essential facts upon which requests for such withdrawals are based.

In New Mexico, according to the census of 1900 there were, men, women and children, 829 Jicarilla Apaches, and according to the census of 1910, there were 878; of Navajoes, by like authority, there were in 1900 4227, and in 1910, 11,292. Each of these tribes has and has had a definite reservation, that of the Jicarillas being entirely within this State, and that of the Navajoes partly within and partly without. The Jicarillas' reservation contains 364,800 acres, or 440 acres for each individual of the tribe. The Navajoes' reservation contains, in New Mexico, approximately 2373120, and a much larger acreage beyond, or, within New Mexico, 561 acres for each individual, according to their numbers shown by the prior census, and 210 according to the later. The remarkable increase of the Navajoes between the two decade periods is accounted for in various ways, but principally on the theory of error in the earlier listing. Others believe that the schedules or rolls were padded in 1910.

For these Apaches, by executive order dated November 11, 1907, corrected by amendatory order of January 28, 1908, there were set aside approximately 345600 additional acres, enough practically to double the proportion so that each individual would have, divided or undivided, an interest in 880 acres.

By Executive order of November 9, 1907, corrected by amendatory order of January 28th, 1908, there were withdrawn and set aside for the Navajoes approximately 1831730, in New Mexico alone, for purposes of allotments, but of that acreage all but about 600000 acres has been restored to entry, and the latter acreage has been segregated for probably 2000 allottees, men, women and children. Therefore the proportionate acreage of which the Navajoes are the beneficiaries, according to the last census is 265 acres for each individual, assuming the accuracy of that enrollment, which is improbable, in view of the divergence between the two tabulations.

No reliable figures are readily to be obtained at the present time here concerning the acreage of which the Navajoes have the benefit in Arizona, but it would seem by estimate from the Government general maps, that several more million acres are thus withheld from the citizen, in original and executive order

reservations, for a total number of persons which we can not now specify for lack of the requisite data.

These withdrawals for the benefit of these Indians are not by virtue of any treaty, but by virtue of Congressional enactment loose both in expression and execution. The Act of February 8, 1887, (24 Stats. 388) authorizes the President, among other things, to allot lands to Indians whose tribe or band has been located upon "any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use," to each head of a family one quarter of a section, to each single person over eighteen years of age one eighth of a section, to each orphan child under eighteen years of age one eighth of a section and to each other single person * * * one-sixteenth of a section.

Consequently, in New Mexico, alone, saying nothing about Arizona and Utah there have been held and withheld for these tribesmen 3683520 acres, or sufficient, under the homestead laws, to provide quarter sections for 23032 heads of family, without commensurate benefit to the Indians.

What with National Forests, private land grants, which happily can be broken up in time into small plots and farms, and Indian reservations, New Mexico's opportunity for expansion is largely burdened. Practically all the agricultural and grazing lands of some counties, particularly Rio Arriba and San Juan, are occupied with National Forests, over millions of acres of which, never a tree has grown, grants, and reservations. In the first named county thousands of homeseekers each year seek settlement, only to be compelled to turn away for want of room.

New Mexico is mainly pastoral. The donation of the fee or the usufruct of these lands to the Indians only makes of them "dogs in the manger" for they do not employ the vast estate beneficially, but rent it out to stockmen for "easy money." It is not, however, the purpose of the law to provide the Indians with a rent-roll or to enable them, as landlords in idleness, to fatten on the industry of their neighbors. Nevertheless this has come to pass. The law intended that the redman might improve and come close to present day civilization. The result has been to make them parasitical.

In Santa Fe county and in a part of Rio Arriba there is an executive order reservation for the benefit of the Santa Clara

Pueblo Indians, who use the privilege to annoy their American and Mexican neighbors by depriving them of range and fuel to which they have been accustomed for centuries.

The President cannot know the facts; he must accept the advice of subordinates for the making of executive order reservations. Enthusiasts are found in all departments of the Government, but especially in the Indian Bureau, who are concerned only with their immediate employment, without regard to the rights of others incidentally affected.

The general good would best be helped by the retention by Congress of the power of [to] make reservations of all classes, for the pendency of a bill for such purpose would attract wide attention and those interested could have a hearing. The right or the wrong of the proposal could be investigated. But under the system in vogue the creation of the executive order reservation or the withdrawal of lands for purposes of allotment is accomplished before the people know aught of it.

We particularize certain improprieties, not to say malpractices, under the act aforesaid, and perversions of its terms and objects by inserting herein a protest filed with the commissioner of the general land office. The protest, which was dismissed upon the recommendation of the commissioner of Indian Affairs, without independent investigation under the Commissioner of the General Land Office or the Secretary of the Interior is as follows:

IN THE UNITED STATES GENERAL LAND OFFICE.

Re Each and Every of the Allotments)
 made to Navajo Indians in Townships)
 23, 24, 25, 26 and 27, North, Ranges)
 7, 8, 9, 10, 11 and 12 New Mexico P. M.,)
 under and Pretendedly Pursuant to Ex-)
 ecutive Orders of November 9, 1907, and)
 January 28, 1908, by Virtue of Chapter)
 119, 24 Stats., 388.)

To the Honorable Commissioner

of the General Land Office [r] :—

Now come Henry Seth, of Chama, New Mexico, and Monte Vista, Colorado; Ed. Sargent, David Wright and Dan Thompson, of Chama, New Mexico; Jose Armenta, of Farmington, New Mexico; Enrique A. Abeyta, of Park View, New Mexico, B. C. Hernandez, T. D. Burns and Perfecto Esquibel, of Tierra Amarilla, New Mexico, and Ricardo Archuleta, Pablo Cande-

lario, M. S. Pacheco, Presentacion Munoz, Teofilo Jaquez, Ramon Jaquez, Refugio Munoz, Manuel Munoz, Maclovio Archuleta, Simon Martin, Santiago Martin, Bautista Velasquez, Epifanio Lucero, Jose Lovato, Vidal Quintana, Vidal Candelario, Jesus Candelario, Mercedes Maestas, Juan Ulibarri, Fernandez Martin, Eliseo Martin, [P] Fedro Archuleta, Esperidion Martin, Miguel Abeyta, J. R. Martinez, Martin Horn, Necumedes Sanchez, Francisco Lopez and Sabino Olivas, some of whom are of Rio Arriba County, New Mexico, and others are of San Juan County, New Mexico, all of whom are citizens of the United States, by Renehan and Davies, their attorneys, and protest against the allotments made to Indians in the said townships and ranges, against the perfection thereof and against the issuance of patents thereon, for the following reasons:

1. All of the said county by geological indications and actual discoveries in the general neighborhood is coal land, and under the law not subject to allotment.

2. The said lands are not within a reservation for any tribe or band of Indians created for their use, either by treaty stipulation, by virtue of an act of Congress or executive order.

3. The said allotments purport to have been made in favor of Indians not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress or executive order, provided that such Indian shall have made settlement upon such lands, if not otherwise appropriated, but, under the laws, such lands are otherwise appropriated, or at least reserved from distribution by allotment, by reason of their coal character, and furthermore the allotments made, or at least selected, have been contrary to the law, and in a great majority of instances, as will be specified, in that the settlement required by section four of the act referred to, has not been made by the Indians to whom allotments have been given, as a general proposition, the said act being commonly known as the Act of February 8, 1887.

4. Herewith is filed a plat called "Map of Navajo Indian Allotments in Northwestern New Mexico," on which by various marks and signs, the state of betterment and the condition of the lands allotted, as they were about December, 1907, and January and October, 1908, are shown, and particularly thereon is shown the neighborhood of known coal lands, but it is averred that proper geological investigation will demonstrate the extension of the known coal fields so as to occupy practically all,

if not all, of the lands included within the said allotments.

5. Particularizing, as an elaboration of the data spread upon the said plat, the following statements are made:

TOWNSHIP 27 N., R. 9 W.

In section twelve there were no improvements of any kind or evidences of possession or settlement, except in the SW $\frac{1}{4}$, whereon there was an unoccupied and used jogan, but it was constructed after 1907, and in 1908 apparently abandoned;

In section thirteen there was only to be found the ruins of an old jogan, and no other signs of possession or settlement. This applies both to the years 1907 and 1908.

In section one, in the NE $\frac{1}{4}$ there was a log hut, which was not in existence or inhabited in 1907, but existed and was inhabited in 1908. There were no other signs of possession or settlement.

In this township there were, in 1907 and 1908, in section thirty-six, an uninhabited brush jogan, and in 1908 an inhabited shack or shanty.

In the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section eleven, there was a brush sheep pen constructed after 1907, but there was no inhabitant.

In the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, of section twenty-four, in 1907, there was an old brush sheep pen.

In section thirty-six, on the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, the jogan mentioned was inhabited and there was also a goat pen and about two acres of land under cultivation. One of the jogans was constructed after 1907.

TOWNSHIP 28 N., R. 9 W.

In section thirty-six there were no improvements, no inhabitant, and no signs of possession or settlement, in 1907 or 1908; in section twenty-five there was a log pen in the NE $\frac{1}{4}$ and a broken fence on the north boundary. This place was commonly known as the Munoz waters, by reason of the user thereof as a watering place by a family known as Munoz.

The rest of this township was without sign of inhabitation, settlement or cultivation.

TOWNSHIP 27 N., R. 8 W.

In this township, there were no improvements, no inhabitants, no signs of cultivation, either in 1907 or 1908.

TOWNSHIP 26 N., R. 8 W.

In section six, in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, there was a log corral, but no inhabitant. This improvement was constructed by a man, not an Indian, named Juan B. Valdez.

In section nineteen, in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, in 1908, there was a small patch, about half an acre, of corn. It was of recent growth.

In section thirty, in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, in 1907, there were two inhabited jogans, and in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, in 1908, there was added another jogan, and a patch of corn there was also. There was also a jogan in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and it was unoccupied.

The rest of this township was unoccupied, and showed no signs or evidence of settlement, possession or cultivation.

TOWNSHIP 26 N., R. 9 W.

In section twenty-five, in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, there was an old unoccupied jogan.

In this township there was no other evidence or sign of cultivation, occupation, settlement or inhabitancy.

TOWNSHIP 25 N., R. 8 W.

In this township there were no signs or evidences of settlement, cultivation or inhabitancy, in 1907, except a small reservoir in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, of section seven, and a small patch of corn in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section five, but in 1908 there was constructed and inhabited a jogan in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, and another in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, and a small patch of corn was indicated on the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$.

TOWNSHIP 25 N., R. 9 W.

This township was uninhabited, unsettled and unimproved and showed no signs of settlement, cultivation or inhabitancy, except in section thirteen, in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, in 1907, there was a corral and a reservoir, but this corral was constructed by Jose Armenta before the allotment was made. There was also about one acre which showed signs of having been planted to corn. There was also a jogan or the remanants of one, three sides and no roof. There had been a log house there which was lately torn down, and the logs and poles were still in a pile. Jose Armenta, not an Indian, constructed this house. In 1908 there had been constructed a jogan, which was occupied.

In section twenty-one, in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, there was a small reservoir, in 1907;

In the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section twenty-six, there was, in 1907, an adobe house known as "Star's Old Trading Post," in which Indian Agent Hardy was living. On the SW $\frac{1}{4}$ there was a frame building, about twenty-five feet long and twelve

feet wide, which was commonly reputed to have been built by a man named Star, after having been removed from the NW $\frac{1}{4}$ on which he had previously conducted a trading post;

In section thirty-five, in the NW $\frac{1}{4}$, there was a log house and a tent, commonly reputed [reputed] to have been used by a missionary; and in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, in 1908, there was part of an old jogan. In this township all improvements were constructed in 1908, except Star's trading post.

TOWNSHIP 24 N., R. 9 W.

This township was without inhabitants, settlement or signs of settlement or cultivation, except in section two, in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, in 1907, there was a small corral; in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, in 1907, there were the ruins of an old jogan, and in 1908 a brush jogan was constructed and occupied;

In section eleven, in the S $\frac{1}{4}$ of the SW $\frac{1}{4}$, in 1907, there were the ruins of three old jogans, and in 1908, in the S $\frac{1}{4}$ of the NW $\frac{1}{4}$, there was an occupied brush jogan, and in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ there was added a brush jogan and a corral;

In section twenty-three, in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, in 1907, there was a summer or temporary jogan, and about half an acre in cultivation;

In section twenty-six, in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, in 1907, there was about one acre under fence;

In section thirty-five, 1907, there was a dry reservoir, about half an acre in extent;

In section thirty-four, in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, in 1907, there was an uninhabited jogan, and in 1908 there was added a jogan.

TOWNSHIP 24 N., R. 8 W.

This township had no settlement, possession, cultivation, or signs of settlement, inhabitancy or cultivation, except in section twenty-one, in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, a small reservoir;

In section twenty-seven, in 1907, in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, a small reservoir, and in 1908, in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ there was added a jogan which was inhabited, and in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ a jogan which was inhabited, and in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, two jogans, uninhabited, and a patch of corn;

In section twenty-six, in 1908, there were about two acres under cultivation and a stake corral;

In section thirty-five, in 1907, there was a small corral, in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, and in 1908, there were added a corral and a brush jogan which was inhabited;

In section thirty-six, in 1907, there was a house and a corral built by a man named Haynes, and the poles and logs put into a pile. A new stake house had been started. Haynes was not an Indian.

TOWNSHIP 24 N., R. 7 W.

In this township there were no settlement, inhabitant, improvement, or signs or evidences of inhabitancy, settlement or improvement, except in section thirty-one, in 1907, there was about an acre in cultivation.

TOWNSHIP 23 N., R. 7 W.

In this township there was no settlement, no inhabitant, no improvement, and no sign or evidence of inhabitancy, settlement or improvement, except, in section eight, in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ there was, in 1907, a jogan and a small corn patch, and in 1908, in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, a brush jogan.

In section seven, there was a small tank and reservoir, in 1908, in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$;

In section six, in 1907, in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, there was a small reservoir, and in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, in 1907, there was a jogan, which in 1908 was occupied.

TOWNSHIP 23 N., R. 8 W.

This township had no inhabitant, settlement or improvement, or sign of inhabitant, settlement or improvement, except, in section twelve, in 1907, in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, a small reservoir;

And in section one, in 1907, in the E $\frac{1}{2}$ of the NE $\frac{1}{4}$, two jogans, uninhabited in 1908;

In 1908, scattered over the NE $\frac{1}{4}$ there were two or three inhabited new jogans and a corral.

TOWNSHIP 25 N., R. 10 W.

In this township, in 1907 and 1908, there was no settlement, improvement, cultivation or inhabitant, nor signs of improvement, settlement, inhabitancy or cultivation, except in section twenty-four, in the middle of the north half thereof, a reservoir about two and a half acres in extent, in 1907;

In section fifteen there were a spring, a stake house, a summer jogan, and about two acres under cultivation; the stake house and the summer jogan were inhabited; also in the SW $\frac{1}{4}$ two jogans, two adobe houses, one stake house; one wagon shed; one stake corral, one summer jogan, about ten acres in cultivation; all inhabited; in the NW $\frac{1}{4}$ about two acres in cultivation and there was also a summer jogan, but no inhabitant;

In section twenty-two, in the NW $\frac{1}{4}$, there were about two acres in cultivation, but no inhabitant;

In section eleven, in 1907, in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, there was a brush jogan, which was abandoned in 1908; in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, in 1907, there was a brush jogan; and in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, in 1908, there were signs of small patches of corn of the year 1907, which were not cultivated in 1908;

In section seven, in 1907, in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, there was a brush corral, which was not used in 1908;

In section eight, in 1907, in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, there was an adobe house and a wagon shed, a stone foundation for a house, about four feet high, and two acres in cultivation. These were inhabited. In 1908 there had been added and was inhabited a brush jogan;

In section seventeen, in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, in 1907, there was about one-third of an acre in cultivation, but no inhabitant;

In section eighteen, in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, in 1907, there was a brush jogan, which was not occupied in 1908, and in 1908 there was added, in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, a corral;

In section nineteen, in 1907, in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, there was a brush jogan which was unoccupied, but in 1908 it was occupied, and a small patch, about two acres, was placed in cultivation;

In section twenty-one, in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, there was a jogan unoccupied in either year, 1907 or 1908;

TOWNSHIP 25 N., R. 11 W.

In this township, in 1907 and 1908, the following conditions existed:

In section one there were no improvements and no inhabitant;

In section twelve there was no improvement, no settlement, and no inhabitant;

In section thirteen, in the SW $\frac{1}{4}$, there were the walls of a stone house, a stake corral, two brush jogans, about two acres under fence, but no inhabitant; the [E $\frac{1}{2}$] E $\frac{1}{4}$ and the NW $\frac{1}{4}$ had no improvement, no settlement and no inhabitant;

Section twenty-four: in the E $\frac{1}{2}$ there was no improvement, no settlement, no inhabitant, but in the NW $\frac{1}{4}$ there was one jogan, about two acres under fence, but no inhabitant; in the SW $\frac{1}{4}$ there were a small hut and two jogans, inhabited, about

three acres under fence;

In section twenty-five, in the NW $\frac{1}{4}$ there were about two acres under fence, but there was no inhabitant; the E $\frac{1}{2}$ and the SW $\frac{1}{4}$ had neither improvement, settlement nor inhabitant;

In section thirty-six there were two adobe houses and one jogan, uninhabited;

In section two, the NE $\frac{1}{4}$, there was one jogan, but no inhabitant; in the NW $\frac{1}{4}$ there were three large brush jogans, but no inhabitant; in the S $\frac{1}{2}$ there was no improvement, no settlement, no inhabitant;

In section eleven, there was no improvement, no settlement, no inhabitant;

In section fourteen, in the NW $\frac{1}{4}$, there was a stake house, but no inhabitant; in the SW $\frac{1}{4}$ there was about one acre, partly fenced; two stake houses, but no inhabitant; in the NE $\frac{1}{4}$ there was no improvement, no settlement, no inhabitant; in the SE $\frac{1}{4}$ there was a stake corral, but no inhabitant;

In section twenty-three, in the N $\frac{1}{2}$, there was no improvement, no settlement, no inhabitant; in the SE $\frac{1}{4}$ there were two jogans and one partly constructed and about an acre and a half in cultivation; but no inhabitant; in the SW $\frac{1}{4}$ there was about one acre under fence, but no inhabitant;

In section twenty-six, in the N $\frac{1}{2}$ of the SW $\frac{1}{4}$, there was no improvement, no settlement, no inhabitant;

In section three, in the NE $\frac{1}{4}$ there was a reservoir, but no inhabitant; in the NW $\frac{1}{4}$ there was no improvement and no inhabitant; in the SE $\frac{1}{4}$ there was no inhabitant and no improvement; in the SW $\frac{1}{4}$ there was a stake house and two tents, inhabited;

In section ten, in the NW $\frac{1}{4}$, there were three jogans and two corrals, but no inhabitants; in the NE $\frac{1}{4}$, there was no improvement, and no inhabitant; in the SE $\frac{1}{4}$ there were one jogan, two brush jogans and about an acre and a half in cultivation, without inhabitants at the time; in the SW $\frac{1}{4}$ there were two inhabited jogans;

In section fifteen, in the NE $\frac{1}{4}$, there was about half an acre in cultivation, but no inhabitant; in the SE $\frac{1}{4}$ there were three jogans, two brush sheds, one stake corral, but no inhabitant;

In section twenty-two, in the NE $\frac{1}{4}$ and the S $\frac{1}{2}$ there was no improvement, no settlement and no inhabitant; in the NW $\frac{1}{4}$ there was a fence, about a quarter of a mile in length, running through the center, but no inhabitant;

In section twenty-seven, in the $E\frac{1}{2}$, there was no improvement and no inhabitant;

In section twenty-four, in the $E\frac{1}{2}$, there was no improvement and no inhabitant;

In section nine, in the $E\frac{1}{2}$, there was no improvement and no inhabitant;

In section twenty-one, in the $NE\frac{1}{4}$, there was no improvement and no inhabitant;

In section twenty-eight, in the $S\frac{1}{2}$, there was no improvement and no inhabitant;

In section thirty-three, in the $SW\frac{1}{4}$, there were two jogans, a stone house, a summer camp, and a stake corral; they were inhabited. In the $N\frac{1}{2}$ and the $SE\frac{1}{4}$, there was no improvement, no settlement and no inhabitant;

In section seventeen, in the $NW\frac{1}{4}$, there were two jogans, and two brush corrals, but no inhabitant;

In section eighteen, in the $N\frac{1}{2}$, there was no improvement, no settlement and no inhabitants;

TOWNSHIP 26 N., R. 11 W.

In section thirty-three, in the $NE\frac{1}{4}$, there was a well dug in an arroyo, but no other improvement and no inhabitant; in the $NW\frac{1}{4}$ and the $S\frac{1}{2}$, there was no improvement, no settlement and no inhabitant;

In section thirty-four, in the $NW\frac{1}{4}$, there was a jogan, but no inhabitant; in the $SW\frac{1}{4}$ there was a summer jogan, and about a quarter of an acre that showed signs of cultivation, but no inhabitant; in the $E\frac{1}{2}$ there was no improvement and [no] inhabitant;

In section thirty-five, there was no improvement, no settlement and no inhabitant;

In section thirty-six, in the $NW\frac{1}{4}$ and the $SE\frac{1}{4}$, there was no improvement, no settlement, and no inhabitant;

In section twenty-eight, in the $N\frac{1}{2}$, there was no improvement, no settlement and no inhabitant; in 1907, in the $SW\frac{1}{4}$ of the $SE\frac{1}{4}$, there was a government sheep dip and in the $N\frac{1}{2}$ of the $SW\frac{1}{4}$ a trading post occupied by a trader, and in the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ a corral;

In section thirty, in the $N\frac{1}{2}$ of the $NE\frac{1}{4}$, in 1907, there were two brush jogans and a stake corral, both uninhabited;

In section thirty-one, in the $N\frac{1}{2}$ of the $NE\frac{1}{4}$, there was, in 1907, a stone house and a jogan, both uninhabited; and in the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$, a stake corral;

In section twenty-nine, in the $S\frac{1}{2}$ of the $NE\frac{1}{4}$, in 1907, there were two brush jogans, uninhabited;

All the rest of the said township, in 1907, and 1908, was unimproved, unsettled, uncultivated and showed no signs of cultivation, settlement or habitancy.

TOWNSHIP 27 N., R. 11 W.

In section thirty-three, in the $S\frac{1}{2}$ of the $SW\frac{1}{4}$, in 1907, there were two uninhabited jogans. All the rest of the said township was, in 1907 and 1908, uninhabited, unsettled, unimproved, uncultivated, and showed no signs of habitancy, settlement or cultivation;

TOWNSHIP 27 N., R. 12 W.

All of this township was unsettled, unimproved, uncultivated, and showed no signs of habitancy, cultivation or settlement in 1907 and 1908, except, in section seven, in the $NW\frac{1}{4}$ of the $SE\frac{1}{4}$, in 1908, there was an inhabited brush jogan.

In section eight, in the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$, there was a water hole and a pole corral;

In section thirty-five, in the $SE\frac{1}{4}$, in 1907, there were two jogans, a stake house, three corrals; inhabited;

TOWNSHIP 28 N., R. 12 W.

This township, in 1907 and 1908, was unimproved, unsettled, uncultivated and uninhabited, and showed no signs of habitancy, improvement, settlement or cultivation, except:

In section twenty-one, in the $NW\frac{1}{4}$, in 1908, there was an inhabited stake house; in the same year, in the $NE\frac{1}{4}$, there was an inhabited tent;

TOWNSHIP 26 N., R. 12 W.

This township was uninhabited, unimproved, unsettled, uncultivated, in 1907 and 1908, except:

In section six, in the $SE\frac{1}{4}$, there were two jogans, a corral and a water hole, uninhabited;

In section twenty-four, in 1907, in the $NW\frac{1}{4}$ of the $SE\frac{1}{4}$

In section twenty-four, included within the $NE\frac{1}{4}$ of the $NW\frac{1}{4}$, the $SE\frac{1}{4}$ of the $NW\frac{1}{4}$ and the $SW\frac{1}{4}$ of the $NW\frac{1}{4}$, in 1907, there was an inhabited stone house, an uninhabited jogan and a corral;

In section thirteen, in the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$, in 1908, there was a water hole and a one-wire fence, but no inhabitant;

In section twelve, in the $SW\frac{1}{4}$, there were, in 1907, three jogans and three corrals, a stone house, some cultivated land and inhabitants;

In section eleven, in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, there were, in 1907, uninhabited ruins of an old stone house;

TOWNSHIP 27 N., R. 13 W.

In 1907 and 1908 this township was entirely unimproved, uninhabited, unsettled and uncultivated;

TOWNSHIP 25 N., R. 12 W.

This township was entirely unsettled in 1907 and 1908, unimproved, uninhabited and uncultivated, except:

In section four, in the NW $\frac{1}{4}$, there were two jogans, and adobe house, a corral, inhabited, in 1907;

In section twenty-seven, in the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, there was a jogan, two brush jogans, a little reservoir, but no inhabitant;

In the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ there was a small reservoir, but no inhabitant.

TOWNSHIP 24 N., R. 11 W.

In section eight, in 1907, in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, there was a trading post, conducted by Fred L. Moss, and in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, an old jogan, uninhabited;

In section sixteen, in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$, there was a stake house, uninhabited, in 1907; and in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ is a barrel spring; and in the SW $\frac{1}{4}$, in 1907, a jogan, a stake house, and a stake corral, but no inhabitant;

In section thirteen, in 1907, in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, there was a reservoir of about a quarter of an acre in extent, but no inhabitant;

In section one, in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, in 1907, there were four uninhabited jogans;

In section 2, in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, in 1907, there was an uninhabited brush jogan;

In section eleven, in the E $\frac{1}{2}$ of the NE $\frac{1}{4}$, there were, in 1907, a jogan, a stake house, two corrals, a well in an arroyo, and inhabitants; and in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, an uninhabited brush jogan;

In section twelve, in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, in 1907, there were two uninhabited brush jogans;

In section twenty, in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, in 1907, there was an uninhabited jogan;

In section nineteen, in 1907, in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, there was an inhabited jogan, and in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ an uninhabited jogan, and a stake fence, about forty yards long;

In section thirty-one, in 1907, in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, there were two uninhabited brush jogans;

In section thirty-two, in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, there were two uninhabited jogans;

In section seven, in 1907, in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, there was an inhabited stone house, and in 1908, in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, there were two inhabited brush jogans;

TOWNSHIP 24 N., R. 10 W.

This township was entirely unimproved, unsettled, uncultivated and uninhabited, except;

In section seven, in 1907, in the E $\frac{1}{2}$ of the NE $\frac{1}{4}$, and in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, there were a stake house, a jogan, two corrals, a dike for a reservoir, but no inhabitant; but in 1908, in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, there was a new brush jogan, inhabited, and the brush jogan, in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, had become inhabited; and in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ there were about four acres partially fenced;

In section six, in the E $\frac{1}{2}$ of the SW $\frac{1}{4}$, in 1907, there were two jogans, inhabited.

TOWNSHIP 23 N., R. 12 W.

In this township, in 1907 and 1908, there were no improvements, settlement, cultivation or inhabitants.

The statements herein contained are intended to show the conditions as they existed in 1907 after the withdrawal by proclamation or executive orders of November 9, 1907, and January 28, 1908, and the plat is intended to represent the same conditions and facts.

The protestants, who are all citizens of the United States, and citizens and residents of the Territory of New Mexico, claim no preferential rights, but respectfully represent that by the concession of the allotments selected, or any allotment to any Indian of the Navajo tribe or any other tribe within the domain in question, would in effect be in disregard of the law, for the reason that the said Indians and no Indian, except where herein otherwise specified or indicated, had conformed to the conditions precedent to entitle him to an allotment, to-wit, has not made settlement as the law requires, it being the evident intention of the statute to recognize bona fide, actual, open and notorious settlement and possession of public lands by Indians much in the way that settlement upon unsurveyed public lands by a citizen is recognized by the government as creating at least a preference.

It is further represented that a thorough investigation of

the lands comprised within the proposed allotments should be made under government auspices for the purpose of determining their coal character, and especially in view of the fact that the Indians, except in the instances specified or indicated, have not reasonably complied with the law under consideration, there should not be granted to them even surface rights, which would operate to confuse subsequent tenure of the soil if it should become classified as coal land.

WHEREFORE, the protestants pray that the allotments selected may be rejected and that no trust or other patent be issued thereon; they further pray that a hearing may be ordered upon the allegations herein contained at such time and place as may be deemed most convenient, but it is suggested that a hearing somewhere in the County of San Juan would best enable the production of evidence.

.....

FOR THEMSELVES AND IN THE NAME OF
 THE OTHER PROTESTANTS.

TERRITORY OF NEW MEXICO)
 COUNTY OF SANTA FE)

Walter G. Turley, being first duly sworn, upon his oath says that he has read over and knows the contents of the foregoing protest and says that the same are true; that on or about the 9th day of March, 1907, he, in company with George W. Keepers, Special Indian Allotting Agent, left Farmington, New Mexico, for the purpose of visiting and surveying the land described in the said protest and in the plat thereto attached, and surveyed practically all of the allotments shown upon said protest and in said plat except those indicated upon the plat as not having been surveyed; that such work was continued until the 4th of July, 1907; that during the course of the survey, affiant called the attention of the said Allotting Agent to the indications of coal upon the head of the Blanca and also to the existence of school sections within some of the townships involved; that about the 20th of September, 1908, at the instance of Governor Curry, of New Mexico, in company with J. B. Rusk, affiant again visited the field of these allotments for the purpose of observing conditions as to settlement, occupancy, improvement and cultivation, then existing, and remained em-

played in making such observations for a period of about forty-five days, and the protest and plat set forth the conditions found by affiant and they are indicated upon the plat by conventional characters, accompanied by proper legend; that affiant kept a very accurate record of the conditions which he found in 1907 and in 1908, in respect to settlement, occupancy, improvement and cultivation, and they are recorded in the said protest and upon the said plat from original data. Affiant further says that his declarations are intended to relate to conditions as they existed in 1907 and 1908.

Subscribed and sworn to before me this 14th day of October, 1910.

My com. expires
April 19, 1913.

NOTARY PUBLIC.

TERRITORY OF NEW MEXICO)
COUNTY OF SANTA FE)

John B. Rusk being first duly sworn upon his oath says that he has read over and knows the contents of the foregoing protest and says that the same are true insofar as it relates to conditions existing in the year 1908; that he accompanied the affiant, Walter G. Turley, upon the investigations which he made at the instance of Governor Curry, of New Mexico, beginning about the 20th of September, 1908, and lasting for about a period of forty-five days, and in this affidavit he desires to limit his declarations to the year 1908, and to that part of the said year hereinbefore specified, that as to whether or not the said lands in the year 1908 were or were not within a reservation, he is not positive, but upon information and belief he says that the said lands so allotted were not within a reservation in the year 1908.

Affiant further says that he was with the said Walter G. Turley in the said part of the said year 1908, during all the time that he, the said Turley, was occupied in the investigations to which the affidavit of the said Turley relates.

Subscribed and sworn to before me this 14th day of October, 1910.

My commission expires
April 19, 1913.

NOTARY PUBLIC.

It will be seen that the law requires settlement by the Indian to entitle him to an allotment, but there has not been even a fairly colorable compliance with it, but the pitching of a tent, the erection of a tepee or the construction of temporary jogans, in one place this year, in another next year, are signs of the nomad's character, and not evidences of becoming fixed to the soil.

It is not our wish that the Jicarillas and Navajoes be deprived of all consideration or any part of humane consideration, but we protest against the spoliation of our people in their favor without rational benefit to them.

The law requiring the Indians to have settlement, runners were sent among them after the said executive order was issued on November 9, 1907, referring to the Navajoes, to come in from their wanderings, and take up lands, although the statute permitted allotments only to those who had bona fide settlement. Thus, the law has been executed, and at this we protest.

The original Navajo reservation should be surveyed and allotted among the Indians, wells and means of irrigation should be provided, and for these purposes appropriations made. In this way these Indians can become self-sustaining as farmers rather than half-sustaining themselves as flockmasters. So their civilization can be bettered.

Therefore, we ask that all executive order reservations be annulled; that the authority given to or exercised by the President to proclaim such reservations be abrogated; that Congress reserve to itself this form of Grant; and that the Act of February 8, 1887 (24 Stats. 388) as amended by the Act of February 28, 1891 (—Stats. 794) be amended so that only actual, bona fide settlement, cultivation and use of public lands by the Indians mentioned, or others, in some degree reasonably akin to the requirements of the homestead laws, shall entitle an Indian to an allotment; that provision be made for the survey, irrigation by wells or otherwise of original Indian reservations and for the allotment of such reservations among them, and that appropriations for such purposes be passed.

And so we pray in the name of the People of New Mexico and all others similarly situated.

JOINT MEMORIAL NO. 7.

REQUESTING CONGRESS TO MODIFY THE LAW IN RELATION TO PUEBLO INDIANS. *H. J. M. No. 7; Filed June 5, 1912.*

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

Your petitioners, the Senate and House of Representatives of the State of New Mexico, respectfully pray for such modification of recent congressional legislation concerning the Pueblo Indians of New Mexico as will remove the difficulties and remedy the evils caused by such legislation as hereinafter stated.

The legislation referred to is to be found in Section 2 of the Act of Congress entitled "An Act to enable the people of New Mexico to form a constitution and state government and to be admitted into the Union on an equal footing with the original states; and to enable the people of Arizano to form a constitution and state government and to be admitted into the Union on an equal footing with the original states," which was approved June 20, 1910, and the effect thereof is to put the Pueblo Indians of New Mexico and their lands on the same basis and subject to the same laws of the United States as are Tribal Indians and their lands, which is in violation of the rights of the Indians themselves as well as a gross injustice to the State of New Mexico.

By this legislation for the first time in the history of the country has any attempt been made to assimilate the status of the Pueblo Indians to that of those Indians known as Tribal Indians. From the earliest historical times these Pueblo Indians have had nothing in common with the Tribal Indians who have been known and called by the Spanish settlers of New Mexico as Wild Indians or "Indios Bravos" to distinguish them from the Pueblo Indians. They have always lived in villages, in fixed communities, each having its own local government and have been pastoral and agricultural people, peaceable, industrious and intelligent and far superior to all but a very few civilized Indian Tribes. They were citizens of the Republic of Mexico and their property and their rights were guaranteed by the Treaty of Guadalupe Hidalgo, just as much as were the rights of other citizens of Caucasian descent. Their

character as a people and their status as citizens have been repeatedly recognized by the Courts of New Mexico as will appear by reference to the cases of

De la Q. vs. Acoma, 1 N. M., 226.

United States vs. Lucero, 1 N. M. 427.

United States vs. Santistevan, 1 N. M. 590.

Territory vs. Delinquent Taxpayers, 12 N. M. 141.

United States vs. Mares, 14 N. M. 3.

No one can read these opinions without being convinced that they are correct. In addition, attention should also be called to the case of United States vs. Joseph, 94 U. S. 616, affirming the same case reported in the first volume of New Mexico Reports, where the Court quotes with approval from the opinion of the Supreme Court of New Mexico although the Court does not distinctly declare that the Indians are citizens of the United State, refusing so to do because that question was not necessarily involved. The opinion does say, however, that their status is not to be determined by the circumstance that some officer of the Government has appointed for them an agent, and holds, as we have already stated, in substance that they do not resemble the Indian Tribes to whom the Non-intercourse Acts of Congress apply, and it is stated that the Pueblo Indians hold their lands by a right superior to that of the United States, a title which was fully recognized by the Mexican Government and protected in the Treaty of Guadalupe Hidalgo. Any attempt to apply the Non-intercourse Acts of the United States concerning Tribal Indians, to the lands and villages of the Pueblo Indians in New Mexico and to the Indians themselves will be productive of very unjust and absurd results. Eight of these pueblo villages, San Juan, Santa Clara, San Ildefonso, Cochiti, Santo Domingo, San Felipe, Sandia and Isleta are situate on the banks of the Rio Grande, the principal water course in New Mexico, and each is possessed of large and extensive tracts of land held by title derived from the Spanish Government, and the villages and land are traversed by public highways which have been in use for centuries. To prohibit the use of these highways by members of the public for travel up and down the valley of the Rio Grande, with merchandise of any lawful sort which may be carried on the public roads, would work great injustice and hardship to the public generally and would constitute an unjustifiable interference with the rights of the Indians themselves. Other Indian Pueblos such

as Taos, Tesuque, Laguna and Acoma are similarly situated.

These Indian towns have nearly all had as neighbors citizens of other races who have settled near them and in many cases these other citizens have acquired title to portions of the Indian grants and have made their homes on the Indian lands living there for many generations and have made towns close to or even upon the Indian lands themselves. The Indians and their neighbors have lived on peaceable terms with each other as any citizens might until within the last four months, since the admission of New Mexico to Statehood, and even now such trouble as has arisen has been due to the meddlesome interference of employes of the office of Indian Affairs.

From the foregoing very brief statement of conditions it can readily be seen that the application of laws of the United States intended for the benefit and protection of Tribal Indians, to the Pueblo Indians of New Mexico, can be productive of nothing but injustice, hardship and troubles of many different kinds, the full extent and magnitude of which can not now be foreseen.

As a concrete instance of what may happen we call your attention to the recent actions of the Indians of the Pueblo of Santa Clara, acting under the orders and direction of the Superintendent of the United States Indian School at Santa Fe, who has been given some power and authority by the office of Indian Affairs with regard to Pueblo Indians. American citizens residing in the vicinity of the Pueblo of Santa Clara, some of them living within the limits of the Pueblo grant upon lands which they or their ancestors have acquired from the Indians, have been accustomed to permit their stock to graze upon lands both within and beyond the Indian grants as have the Indians themselves. The Indians under the direction of the Superintendent as above mentioned, recently rounded up and drove into a corral quite a large number of cattle belonging to the neighboring settlers and when the owners applied for the release of their cattle the Superintendent demanded the payment from those owners of one dollar for each head of cattle which had been taken up and scouted the suggestion that the owners were responsible and could be brought into Court to enforce the payment of any penalty which might be due and declared his intention of driving the cattle to Santa Fe a distance of about twenty-five miles if payment were not immediately made. With people less peaceable than our Spanish-

American citizens this arbitrary and high handed proceeding might have been productive of physical collision and bloodshed, but these owners of the cattle submitted to this lawless extortion and paid for their cattle, being in part moved to do so because at the season of the year when this occurred the rounding up and driving of the cows had already caused considerable loss and a further drive to the city of Santa Fe would have caused much greater damage.

We submit herewith as a part of this memorial, a petition addressed to the Legislature of New Mexico by four hundred and twenty citizens of the vicinity of Santa Clara setting out their difficulties to which we invite your careful attention and especially to the suggestion therein made that the Indians should be required to fence their lands against trespassing stock which we submit is most reasonable in view of the fact that for many generations it has been the custom of the country for stock to graze upon all unenclosed and uncultivated lands without any careful regard for boundary lines.

The lands held by these Indian Pueblos must be nearly if not quite 500,000 acres, but we cannot give the exact figures. The grants which were confirmed more than fifty years ago by Congress to the Indian Pueblos contained over 450,000 acres and some additional claims to land were confirmed to some of the Pueblos by the Court of Private Land Claims. A large part of these grants contain some of the richest, most fertile and productive agricultural lands in the State of New Mexico and yet Congress has seen fit to withdraw this great body of land worth millions of dollars from all taxation by the State. That this is an injustice to other taxpayers in the State needs no demonstration but we were compelled to submit to this as one of the conditions of our admission to Statehood.

We submit to Congress that nothing can be found in the history or conditions of the Pueblo Indians of New Mexico to justify the National Government in treating them in any different manner from the treatment accorded to other citizens, and that they have always been able to protect and care for themselves without any Congressional assistance as it has only been within very recent times that they have become the special object of the fostering care of the office of Indian Affairs. They have never been denied their civil rights and have voted at elections in New Mexico whenever they have offered to do so.

JOINT MEMORIAL NO. 8.

PRAYING THE CONSTRUCTION OF A GOVERNMENT ROAD ACROSS THE
PECOS FOREST RESERVE. *H. J. M. No. 3; Filed June 5, 1912.*

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED
STATES OF AMERICA IN CONGRESS ASSEMBLED:

Your petitioners, the Senate and House of Representatives of the State of New Mexico, respectfully show that by enactment of the Legislative Assembly of the Territory of New Mexico, there was established a public road from the City of Santa Fe to the City of Las Vegas, to be constructed over the most feasible route, through or near the canon of the Santa Fe River, from the courthouse in the City of Santa Fe, over the mountain range, at the most practicable place to the east of said city, and thence to the courthouse in the City of Las Vegas, to be constructed as far as possible by the use of labor of penitentiary convicts; that it was recited by the Legislative Assembly in connection with the establishment of such road, that the employment of the unfortunate inmates of the penitentiary would not only serve to provide them with much-needed healthful occupation, which could in no way conflict with the rights of free labor, but would identify New Mexico with the Good Roads Movement popular throughout neighboring States of the West, initiate a settled policy for dealing with the present labor problem, and stand as an example which might in time be extended to other parts of the State; and also that such road would pass through the United States Pecos Forest Reserve, one of the most beautiful mountain park regions in the world, and render accessible to Santa Fe, San Miguel and Mora Counties, for the purposes of trade and healthful recreation, a section of country then isolated and but little known, yet rich in historic association and in deposits of mineral ores and attractive in its picturesque ranch homes.

Your petitioners further show that since the legislative establishment of said road there has been other legislation as to the establishment, construction and maintenance of good roads, and that large amounts of money have been expended in different parts of New Mexico in the construction of roads, but that New Mexico is so large in area and there have been so many

different road propositions demanding attention, that it has been impracticable fully to complete the road first mentioned between Santa Fe and Las Vegas, although large amounts of money and labor have been expended upon it, and as a result there have been constructed from the City of Last Vegas about eighteen miles of said road, and about the same amount of construction has been made from the City of Santa Fe, a part of such construction being within the Pecos Forest Reserve.

Your petitioners further show that while that portion of the road from the City of Las Vegas which has been constructed has been and is of some practical use to the people of that section of the country, yet the construction from the City of Santa Fe has not progressed far enough to be of public use, the work having stopped within two and one-half miles of the Pecos River, but if is expected that this short gap between the end of the constructed road and the river will be completed by the State of New Mexico during the present year, thus conferring a great benefit upon a considerable number of people living in the valley of the upper Pecos; but notwithstanding the fact that a limited use can be made of those portions of the road constructed as aforesaid, yet its completion across the Forest Reserve is necessary to make it a highway of great public importance, and its construction would be not only of benefit to the New Mexican public, but it would be also a benefit to the maintenance and care of the Forest Reserve, as it would facilitate the coming and going of members of the Forest Service, and would enable them more efficiently to discharge their duties in guarding against trespass and against fires, which are the greatest dangers to our western forests.

Your petitioners therefore pray that there shall be made a sufficient appropriation from the National Treasury for the completion of said road by the Forestry Service, across that portion of the Pecos Forest Reserve not yet traversed by the road, which would be much less in distance and expense than the construction already made by the Territorial authorities.

JOINT MEMORIAL NO. 9.

TO THE CONGRESS OF THE UNITED STATES, REQUESTING THE PASSAGE OF SENATE BILL NO. 6501 AND HOUSE BILL NO. 23775 AMENDING SEC. 13 OF THE ACT OF JUNE TWENTIETH NINE-

TEEN HUNDRED AND TEN, BEING AN "ACT TO ENABLE THE PEOPLE OF NEW MEXICO TO FORM A STATE GOVERNMENT" AND SO FORTH, AND PROVIDING FOR TWO IN LIEU OF ONE JUDICIAL DISTRICTS IN NEW MEXICO. *H. J. M. No. 8; Filed June 6, 1912.*

WHEREAS, there is now pending in the Congress of the United States a bill introduced in the Senate by Hon. Albert B. Fall, Senator from New Mexico, and a bill introduced in the House of Representatives by Hon. George Curry, Congressman from New Mexico amending the Act heretofore passed to enable the people of New Mexico to form a State Government, so as to provide for two Judicial Districts instead of one; and

WHEREAS, the speedy passage of said bill by the present Congress is very important for the following and other reasons:

1. GREAT DISTANCE BETWEEN POINTS OF HOLDING COURT: On account of lack of railroad connection between the City of Santa Fe and other parts of the state, the present arrangement involves great expense of time and money on the part of the United States as well as litigants in going to and returning from the place of holding such court and transporting witnesses and jurors to an extent greater than the cost of maintaining an additional district.

2. GOVERNMENT RECLAMATION PROJECTS: The said State of New Mexico has developed very rapidly within the last ten years and in no part of it has the growth been greater than in that portion included within the proposed Southern District, and the location therein of three great Government Reclamation Projects, to-wit the Rio Grande Project, the Hondo Project and the Carlsbad Project, being the only Projects in the state of New Mexico, promises an era of growth in the near future, well justifying the creation of this District.

3. LARGE AREAS OF GOVERNMENT LAND: Aside from the great Irrigation Projects above referred to, the first of which will be in course of construction for several years to come, at the expense of the Government, the District includes immense bodies of Government lands, in fact nearly all the Government land now open to settlement in the state is located in this district and contests between the Government and private claimants, exclusive of cases coming within the juris-

diction of the United States Land Offices, would constitute a considerable amount of business for such court.

4. **FOREST RESERVES:** It will appear upon investigation that thousands of acres of lands have been included within National Forest Reserves, located principally in what would be the Northern District, and the leasing, management and control of the timber and grazing privileges thereon and controversies growing out of the same would come in such courts.

5. **MINERAL LANDS.** The proposed amendment is necessary also on account of the great bodies of mineral lands in both of said districts, the operation of mines being one of the great industries of the state and rapidly increasing.

6. **INDIANS AND INDIAN PROPERTY.** New Mexico has perhaps more Indians and more Indian Reserves than any other state in the Union with the exception of Oklahoma, and over these and their property such courts would have jurisdiction.

7. **CHINESE EXCLUSION ACTS.** The proposed Southern District includes what is known as the "Border Counties" that is counties near the Mexico line and violation of the Chinese Exclusion acts and what is known as Smuggling cases has heretofore occupied the attention of the four United States Courts which were held therein under Territorial Government.

8. **CONDITIONS IN MEXICO.** The present state of affairs in Mexico, and the proximity of this state to the frontier thereof and the ease with which the Neutrality and other laws applying to such conditions can be violated, makes the constant supervision of a Federal court at Las Cruces almost imperative.

9. The great development in New Mexico during the past ten years has brought investments by residents of other states in mining, agricultural and livestock properties of considerable magnitude and an investigation of the dockets of the different states courts will show that about a fourth of the business in the Pecos Valley Counties, and almost an equal amount in the counties of Dona Ana and Grant could be removed into the Federal Court on the ground of Diversity of Citizenship and probably would be so removed were it not for the expense of transporting witnesses etc. therein.

10. **COMMUNICATION BETWEEN ROSWELL AND SANTA FE.** It is about five hundred miles from Roswell to Santa Fe by rail and about six hundred from Carlsbad

to Santa Fe, the round trip takes at least three days and often four or five when good connection is not made and the minimum cost of taking a witness to Santa Fe is about fifty dollars.

NOW THEREFORE (If the House of Representatives Concur), BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO: That the Congress of the United States be earnestly requested to pass Senate Bill No. 6501 and House Bill No. 23775, each entitled "A Bill to Amend Section Thirteen of the Act of June Twentieth nineteen hundred and ten, being "An Act to enable the People of New Mexico to form a State Government" and so forth, and providing for two in lieu of one Judicial Districts in New Mexico" at its present session:

RESOLVED, that a copy of this memorial be sent to the President of the Senate, and the Speaker of the House of Representatives, and to Hon. Albert B. Fall and Hon. Thomas B. Catron, Senators from New Mexico, and to Hon. George Curry, member of Congress from New Mexico, and to Hon. H. B. Ferguson, member of Congress from New Mexico.

JOINT MEMORIAL NO. 10.

TO THE CONGRESS OF THE UNITED STATES CALLING FOR THE RETURN OF THE SPANISH AND AMERICAN ARCHIVES RELATING TO NEW MEXICO WHICH ARE NOW IN THE HANDS OF THE LIBRARIAN OF CONGRESS. *H. J. M. No. 9; Filed June 7, 1912.*

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

The first Legislature of the State of New Mexico respectfully shows that the Thirty-Fifth Legislative Assembly of the Territory of New Mexico by an Act entitled, "AN ACT TO PROVIDE FOR THE BETTER PRESERVATION, CLASSIFICATION AND INDEXING OF THE SPANISH AND MEXICAN ARCHIVES OF THE TERRITORY," which was approved March 19, 1903, authorized and directed the territorial librarian to forward the old Spanish and Mexican archives, prior to the year 1850, then in the possession of the Territory

and in the custody of said territorial librarian, to the library of congress at Washington, upon securing from the librarian of congress a proper receipt therefor, and a written stipulation that the archives should be properly classified, with a condition that all of them found to relate to land titles or to local and personal matter, and not of historic interest, within one year after their reception at Washington, should be returned to the territorial library at Santa Fe, without expense to the Territory, and that the remainder should be accommodated and carefully preserved in the library of congress, and, as expeditiously as possible, analyzed and indexed, and a copy of such analysis and index furnished, without charge, to the territorial librarian, to be kept in the territorial library at Santa Fe, and finally that within five years all of said documents should be safely returned to the territorial or state librarian of New Mexico, without any expense to New Mexico.

It is further shown that the said archives were forwarded to the library of congress at Washington, where they now are; but although much more than five years have elapsed since they were received at Washington, neither the said documents nor any part thereof have been returned to the territorial or state librarian of New Mexico, and it is currently reported that the librarian of congress has announced his determination never to return any of said documents to New Mexico; nor has any copy of analysis or index of said documents been furnished to the territorial or state librarian.

We are informed that the librarian of congress takes the position that these archives are the property of the United States Government, and were transferred by the Department of the Interior to the library, and that the only obligations he has assumed are the same as in the case of any other material transferred to the library from various departments of the Government, under the Appropriation Act of February 25th, 1903; but we assert that the position of the librarian is not well taken, and that the said records are not at all of the character of those which might naturally be transferred from other departments of the National Government. We insist that as the said archives and documents relate to the history of New Mexico and to the families and land titles of its inhabitants, they should naturally be in the custody of our state authorities, in the same manner and to the same extent as are the historical and other archives and records of any other State in the Union, and

that the National Government is in no way entitled to retain them now that New Mexico has been admitted to statehood.

The Legislature of the State of New Mexico therefore prays that such order or resolution as may be necessary, be adopted by the Congress of the United States requiring and directing its librarian forthwith to return to the librarian of the State of New Mexico all of said archives and documents which were sent to him in pursuance of the Act of the Legislative Assembly of the Territory of New Mexico, hereinbefore referred to, together with a copy of any analysis, index or translations thereof which may have been made by him or under his direction without charge or expense to the State of New Mexico.

ERRATA.

Page 129, second line insert "herein" between certificate and provided.

Page 130, strike out "Sec" at beginning of paragraph numbered 5.

Page 136, sixth line, transpose words "Road County" to read "County Road".

Page 178, first line Sec. 15 "and" should read "any".

Page 237, second to last line of first paragraph "of" should read "or".

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